



MORAY LOCAL REVIEW BODY

DECISION NOTICE

Decision by the Moray Local Review Body (MLRB)

- Request for Review reference: Case LR314
 - Application for review by Mr Shaun Stewart c/o Stewart Reid of S Red Design against the decision of an Appointed Officer of Moray Council
 - Planning Application 25/00075/PPP – Planning permission in principle for a proposed dwellinghouse and detached garage at Charlestown, Roseisle
 - 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 in principle was considered by the MLRB at the meeting held on 13 November 2025.
- 1.3 The MLRB was attended by Councillors Councillor Neil Cameron, Councillor Juli Harris, Councillor Marc Macrae, Councillor Paul McBain, Councillor Draeyk van der Horn, Councillor Sonya Warren, Councillor Ben Williams.

2. MLRB Consideration of Request for Review

- 2.1 Councillor Cameron, having declared an interest in this item, left the Chamber at this juncture and took no part in its consideration.

- 2.2 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 refusing planning permission in principle on the grounds that:
- 2.3 The proposal is contrary to the provisions of Development Plan Policies: National Planning Framework Policy 17 Rural Homes, and Moray Local Development Policy DP4 Rural Housing and Policy DP1 Development Principles because:

- 1) The proposed development would lead to the outward expansion and continuation of roadside dwellings at this location resulting in a build up of ribbon development at this location which would be detrimental to the character and setting of the open countryside at this location and is in contravention of the siting requirements of Policy DP4.
- 2) The site clearing and regrading which has occurred is contrary to the provisions of Policies DP4 and DP1 in which it advised that existing land contours should be retained, and earth regrading works to create plots will not be permitted.

The proposed development is therefore unacceptable at this location, fails to comply with Development Plan Policies National Planning Framework Policy 17 Rural Homes, and Moray Local Development Policy DP4 Rural Housing and Policy DP1 Development Principles and therefore is refused.

- 2.4 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 from interested parties.
- 2.5 In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, both the Planning and Legal Advisers advised that they had nothing to raise at this time.
- 2.6 The Chair then asked the Moray Local Review Body (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 McBain, having visited the site and considered the case in detail was of the view that the proposal complies with National Planning Framework 4 (NPF4) Policy 17 Rural Homes, and, Moray Local Development Plan (MLDP) 2020 Policy DP4 Rural Housing and DP1 Development Principles. He noted that Charlestown resembled a small hamlet and, in his opinion, the ground in question would be suitable for a further dwelling house and moved a motion in these terms.
- 2.8 Councillor van der Horn, having considered the case in detail, moved that the appeal be refused and the original decision of the Appointed Officer be upheld as the proposal fails to comply with National Planning Framework 4 (NPF4) Policy 17 Rural Homes, and, Moray Local Development Plan (MLDP) 2020 Policy

DP4 Rural Housing and DP1 Development Principles. Councillor Harris seconded this.

- 2.9 The Chair then asked if anyone was willing to second Councillor McBain's motion to uphold the appeal and grant planning permission in respect of Planning Application 25/00075/PPP. On failing to find a seconder, the motion fell.
- 2.10 There being no-one otherwise minded, the MLRB agreed to refuse the appeal and uphold the original decision of the Appointed Officer as the proposal fails to comply with National Planning Framework 4 (NPF4) Policy 17 Rural Homes, and, Moray Local Development Plan (MLDP) 2020 Policy DP4 Rural Housing and DP1 Development Principles.

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.