



MORAY LOCAL REVIEW BODY

DECISION NOTICE

Decision by the Moray Local Review Body (MLRB)

- Request for Review reference: Case LR315
- Application for review by Nicole Cronje c/o Abigail Purser against the decision of an Appointed Officer of Moray Council
- Planning Application Planning Application 25/00549/APP - Erection of a modular outbuilding within the rear garden of Stewart Place to operate as a specialist cat boarding facility ('cat hotel') comprising 8 suites. The facility will be operated by the resident homeowner on an appointment-only basis, with no external staff, and includes associated parking, drainage and biodiversity enhancements at Stewart Place, South Road, Garmouth
- Unaccompanied site inspection carried out by the MLRB on 10 December 2025
- Date of decision notice: 8 January 2026

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 11 December 2025.
- 1.3 The MLRB was attended by Councillors Cameron, Dunbar, Harris, Macrae, McBain and van der Horn.

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:
 1. The proposed specialist cat boarding facility would be considered incompatible with the surrounding residential area and if allowed would give rise to an unacceptable impact on residential amenity as a result of the increased level of activity associated with the business (including multiple traffic movements, noise and disturbance) which would fail to comply with NPF4 Policies 14, 26 and MLDP 2020 Policy DP1.
 2. The proposed outbuilding is of a poor design would be considered to adversely affect the traditional character of the Garmouth Conservation Area and Lossiemouth to Portgordon Coast Special Landscape Area which is unacceptable under NPF4 Policies 4 and 7 and MLDP 2020 Policies EP3 and EP9. The building would also be considered to have a detrimental effect on the setting of a listed building which is not acceptable under NPF4 Policy 7 and EP10.
- 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 as well as further representations received from interested parties and the applicant's response to these further representations.
- 2.4 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.
- 2.5 The Chair then asked the MLRB if it had sufficient information to determine the request for review. In response, the Moray Local Review Body (MLRB) unanimously agreed that it had sufficient information to determine the case.
- 2.6 Councillor Cameron, having visited the site and considered the case in detail moved that the appeal be dismissed as he agreed with the original decision of the Appointed Officer in that the proposal does not comply with NPF4 Policies 4 (Natural Places), 7 (Historic Assets and Places), 14 (Design, Quality and Place), 26 (Business and Industry) and MLDP 2020 Policy EP3 (Special Landscape Areas and Landscape Character), EP9 (Conservation Areas) and DP1 (Development Principles) as it is incompatible with the surrounding residential amenity and would adversely affect the traditional character of the Garmouth conservation area and the coastal special landscape area.
- 2.7 Councillor Harris, having visited the site and considered the case in detail, seconded Councillor Cameron's motion agreeing that the proposal is incompatible with the residential surroundings and highlighting that it had been objected to by neighbouring properties.

2.8 Councillor McBain, having considered the case in detail, moved that the appeal be upheld and planning permission granted for Planning Application 25/00549/APP stating that, in his opinion, the proposal complies with NPF4 Policies 4 (Natural Places), 7 (Historic Assets and Places), 14 (Design, Quality and Place), 26 (Business and Industry) and MLDP 2020 Policy EP3 (Special Landscape Areas and Landscape Character), EP9 (Conservation Areas) and DP1 (Development Principles) as it would not cause unacceptable impact on residential amenity. While acknowledging some neighbour concerns, he noted that consultations indicated no significant issues with noise or traffic. He further stated that, in his opinion, the proposal is not of a poor design and would not be considered to adversely affect the traditional character of the Garmouth Conservation Area and Lossiemouth to Portgordon Coast Special Landscape Area or have a detrimental effect on the setting of a listed building. In conclusion, he highlighted that the proposal supports homeworking and sustainable living, is discreetly sited with minimal visual impact, provides adequate parking and access, raises no transport or environmental objections, and that only four objections were received, which do not outweigh the benefits. Councillor Dunbar seconded the amendment.

2.9 The Chair sought clarification from Councillor McBain as to whether his amendment included the conditions recommended by the Transportation Service set out on page 99 of the agenda pack.

2.10 In response, both Councillors McBain and Dunbar confirmed that their amendment included the suggested conditions from the Transportation Services as set out on page 99 of the agenda pack.

2.11 On a division there voted:

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

2.12 There being an equality of votes and in terms of Standing Order 63 (e) the Chair cast his casting vote in favour of the Amendment.

2.13 Accordingly, the Amendment became the finding of the Meeting and the MLRB agreed to grant planning permission in respect of Planning Application 25/00549/APP as the proposal complies with NPF4 Policies 4 (Natural Places), 7 (Historic Assets and Places), 14 (Design, Quality and Place), 26 (Business and Industry) and MLDP 2020 Policy EP3 (Special Landscape Areas and Landscape Character), EP9 (Conservation Areas) and DP1 (Development Principles) subject to the following conditions recommended by the Transportation Service:

- 1) A minimum of four existing car parking spaces shall be retained within the site throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.

- 2) A turning area shall be retained within the curtilage of the site to enable vehicles to enter and exit in a forward gear.

Reason: To ensure the provision for vehicles to enter/exit in a forward gear in the interests of the safety and free flow of traffic on the public road

- 3) 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.

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)

- 1) A minimum of four existing car parking spaces shall be retained within the site throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.

- 2) A turning area shall be retained within the curtilage of the site to enable vehicles to enter and exit in a forward gear.

Reason: To ensure the provision for vehicles to enter/exit in a forward gear in the interests of the safety and free flow of traffic on the public road

- 3) 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:-

Transportation

- Planning consent does not carry with it the right to carry out works within the public road boundary.
- Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

- No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

Environmental Health

- The premises will require to comply with The Health and Safety at Work etc. Act 1974 and associated regulations enforced by this Section.
- The Environmental Health Section of Moray Council would be the Health & Safety enforcing authority in the premises.
- If Planning permission is granted an application for a Animal Boarding Establishment Licence will be required to be made.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
		Location plan
		Site plan
		Parking plan
		Floor plan
		Proposed front elevation
		Proposed left elevation
		Rear elevation
		Right elevation
		Proposed roof elevation

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**

Date works are to Commence

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



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

Date of completion of works

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