



MORAY LOCAL REVIEW BODY

DECISION NOTICE

Decision by the Moray Local Review Body (MLRB)

- Request for Review reference: Case LR317
 - Application for review by Mr Stafford Turnidge c/o Grant and Geoghegan against the decision of an Appointed Officer of Moray Council
 - Planning Application 25/00134/APP – Revise house design approved under planning consent ref: 23/01668/APP at Station Road, Burghead
 - Unaccompanied site inspection carried out by the MLRB on 18 February 2026
 - Date of decision notice: 6 March 2026
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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 19 February 2026.
- 1.3 The MLRB was attended by Councillors Neil Cameron, Amber Dunbar, Juli Harris, Marc Macrae, Paul McBain, 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 proposals are contrary to National Planning Framework 4 (NPF4) and Moray Local Development Plan (MLDP 2020) for the following reasons:

1. The proposals to increase the height of the previously approved dwellinghouse (to a height of 5.9, with the provision of a first floor) would be considered out of keeping with the traditional settlement character of the surrounding area, in particular the historical boatyard and harbour area to the east and the Burghead to Culbin Special Landscape Area. The proposed increased height dwelling would also be considered to impact on the setting of the B listed building to the north-west of the site due to its unacceptable scale and bulky design which is considered unacceptable for this location. As such the application is considered to fail to comply with NPF4 Policies 4, 7, 14 and MLDP 2020 Policies DP1, EP3 and EP10.
 2. The proposed dwelling is to be located to the south of an existing dwellinghouse and the proposed increased ridge height to approx. 5.9m would be considered to give rise to an unacceptable physical impact and an overbearing loss of amenity to that neighbour. As such the proposals are considered to fail to comply with NPF4 Policy 14 and DP1 in terms of an unacceptable amenity impact.
- 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.
 - 2.3 In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, the Legal Adviser advised that he had nothing to raise at this time. Andrew Miller, Planning Adviser advised that the agenda pack refers to a listed building to the northwest however this should be northeast of the site. This was noted.
 - 2.4 The Chair then asked the MLRB if it had sufficient information to determine the request for review.
 - 2.5 Councillor McBain sought clarification that, regardless of the MLRB's decision on the current appeal, the existing planning permission for a single-storey house on the site would remain in place.
 - 2.6 In response, Andrew Miller, Planning Adviser advised that was correct.
 - 2.7 Thereafter, the MLRB unanimously agreed that it had sufficient information to determine the case.
 - 2.8 Councillor McBain, having visited the site and considered the case in detail was of the view that increasing the height of the proposal would not be in keeping with the surrounding area and moved that the MLRB refuse the appeal and uphold the original decision of the Appointed Officer to refuse planning permission in relation to Planning Application 25/00134/APP as the proposal fails to comply with policies 4 (Natural Places), 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of NPF4 and policies DP1 (Development Principals), EP3 (Special Landscape Areas and Landscape Character) and EP10 (Listed Buildings) of MLDP 2020 in terms of an unacceptable amenity impact.
 - 2.9 Councillor Cameron agreed with Councillor McBain and seconded his motion.

2.10 There being no-one otherwise minded, the MLRB agreed to refuse the appeal and uphold the original decision of the Appointed Officer to refuse planning permission in relation to Planning Application 25/00134/APP as the proposal fails to comply with policies 4 (Natural Places), 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of NPF4 and policies DP1 (Development Principals), EP3 (Special Landscape Areas and Landscape Character) and EP10 (Listed Buildings) of MLDP 2020 in terms of an unacceptable amenity impact.

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.