



MORAY LOCAL REVIEW BODY

DECISION NOTICE

Decision by the Moray Local Review Body (MLRB)

- Request for Review reference: Case LR318
 - Application for review by Dr Chris Eastham against the decision of an Appointed Officer of Moray Council
 - Planning Application 25/00359/APP – New dwelling house and garage to the north west of Tomdugard, Dallas
 - Unaccompanied site inspection carried out by the MLRB on 18 March 2026
 - Date of decision notice: 2 April 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 March 2026.
- 1.3 The MLRB was attended by Councillors Neil Cameron, Amber Dunbar, 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 development is contrary to National Planning Framework (NPF) policies 17 (Rural Homes) and 22 (Flood Risk and Water Management) and the Moray Local Development Plan 2020 (MLDP) policies DP1 (Development Principles), DP4 (Rural Housing) and EP13 (Foul Drainage (Supplementary Guidance)) for the following reasons: -

- The proposed introduction of a further house in this location, together with other development in the immediate vicinity, would have the effect of detrimentally altering the rural character of the area and contributing to an unacceptable build-up of housing which is contrary to the siting criteria of policies NPF 17 and MLDP DP4.
- The proposed site lacks sufficient enclosure and containment, resulting in a development that would appear visually intrusive and poorly integrated with the surrounding landscape, as such the proposal fails to meet this aspect of the siting requirements of policy DP4. It has not been demonstrated that the proposed house could be served with an adequate and wholesome water supply as required by policies NPF 22 and MLDP EP13.

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, both the Legal and Planning Advisers advised that they had nothing to raise at this time.

2.4 The Chair then asked the Moray Local Review Body (MLRB) if it had sufficient information to determine the request for review.

2.5 In response, Councillor Dunbar sought clarification regarding the information contained within the supporting documents section on page 104 of the report, noting that the Applicant had stated that some details within the Report of Handling relating to the water supply were incorrect. She highlighted that the Report of Handling listed a number of points where further information had allegedly not been provided, whereas the Applicant maintained that this information had been submitted by email to the Council. She further referred to the Applicant's assertion that written confirmation had been sent to the Council from the owners of the farm confirming their agreement to the proposed house connecting to the existing water supply and noting that there had been no previous issues with that supply and sought clarity on these matters.

2.6 In response, the Planning Adviser clarified that the additional information referenced by the Applicant had been included within the case at pages 53–55, noting that this consisted of further details from Filpumps shown in red text over the original consultation response. He confirmed that this information had been available to the Appointed Officer at the time of determination however advised that, as reflected in both the reason for refusal and the consultation response from Environmental Health (Private Water Supplies), the information submitted was not considered sufficient to demonstrate that the water supply was potable

or that it had adequate capacity to serve the proposed house without detriment to existing properties in the surrounding area.

- 2.7 After receiving this clarification from the Planning Adviser, the MLRB unanimously agreed that it now had sufficient information to determine the case.
- 2.8 Councillor McBain, having visited the site and considered the case in detail 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 25/00359/APP as the proposal is contrary to NPF policies 17 (Rural Homes) and 22 (Flood Risk and Water Management) and the Moray Local Development Plan 2020 (MLDP) policies DP1 (Development Principles), DP4 (Rural Housing) and EP13 (Foul Drainage (Supplementary Guidance)). Councillor Warren seconded this.
- 2.9 There being no-one otherwise minded, the MLRB unanimously agreed to refuse the appeal and uphold the original decision of the Appointed Officer to refuse planning permission in respect of Planning Application 25/00359/APP as the proposal is contrary to NPF policies 17 (Rural Homes) and 22 (Flood Risk and Water Management) and the Moray Local Development Plan 2020 (MLDP) policies DP1 (Development Principles), DP4 (Rural Housing) and EP13 (Foul Drainage (Supplementary Guidance)).

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.