



MORAY COUNCIL LOCAL REVIEW BODY

Review Decision Notice

Decision by Moray Local Review Body (the MLRB)

- Request for Review reference : Case 010
- Site address: Catherinebraes Farm Craigellachie Aberlour
- Application for review by Mr & Mrs J C Cameron against the decision by an Appointed Officer of Moray Council.
- Application 09/01982/PPP : Planning permission in principle for the three dwellinghouses.

Date of Decision Notice: 14 May 2010

Decision

The MLRB agreed to dismiss the request for review and uphold the decision of the Appointed Officer to refuse planning permission in principle.

1.0 Preliminary

- 1.1 This Notice constitutes the formal decision notice of the Moray Local Review Body (MLRB) as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.
- 1.2 The above application for planning permission in principle was considered by the MLRB at a meeting on 22 April 2010. The Review Body was attended by Councillors R Shepherd (Chair), B Jarvis and J MacKay.

2.0 Proposal

- 2.1 This is an application for planning permission in principle in respect of the provision of three individual adjacent sites on the south side of an existing 5m access road to the north of Catherinebraes Farm, Craigellachie, Aberlour Moray AB38 9SL.

3.0 MLRB Consideration of request for review

- 3.1 At the meeting of the MLRB on 22 April 2010 it was noted that the key issues related to Policy H8 of the Moray Local Plan 2008 which presumes against developments of more than two houses and that it was the view of the Appointed Officer that approval of the application would also create a linear development with potential for further development in the area, it would create an undesirable build up of houses, would detract from the rural character of the area and set an undesirable precedent for similar developments in the area.

The MLRB also noted the terms of the request for review put forward an opposing view and suggested that the applicants would be prepared, not being aware of the terms of Policy H8, to amend the application to two houses. In relation to the amending of the application to two houses, MLRB accepted that this was not within the powers of the LRB as they should only consider the request for review based on the application for three sites.

- 3.2 The MLRB agreed that it had sufficient information to proceed to determine the review and following consideration agreed that the application was contrary to Policy H8 of the Moray Local Plan 2010 on the grounds set out by the Appointed Officer and that there were no material considerations to justify departing from policy.

- 3.3 Accordingly the MLRB agreed that the request for review be dismissed and the decision of the Appointed Officer to refuse the application be upheld on the grounds that the proposal is contrary to the Moray Local Plan 2008 for the following reasons:-

1. Contrary to the Moray Local Plan 2008 policy H8 the application is for more than two dwellings and the sites create a linear development with potential for further development of a similar nature along the length of the access road.
2. Contrary to the Moray Local Plan 2008 policy H8 the proposed development will create an undesirable extended build up of houses in the vicinity of Catherinebraes Farm which will detract from the character of the area and conflict with the rural nature of dispersed housing in the surrounding area.
3. Approval of this application will set an undesirable precedent for similar developments in the vicinity to this development.

.....

Rhona Gunn
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 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

- 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.