

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS; THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008; AND THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

Please use BLOCK CAPITALS if completing in ink

The completed notice of review and any supporting documents should be sent by e-mail to ritchir@moray.gov.uk, or by mail or by hand to the The Clerk, Moray Council Local Review Body, The Moray Council, High Street, Elgin, Moray IV30 1BX

Applicant(s)

Name **Mr Donald Mackenzie**

Address **8 Craigmint Cottages
Drybridge
BUCKIE**

Postcode **AB56 5JL**

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name **Future Plans**

Address **The Barnyard Studios
South Road
Garmouth
FOCHABERS**

Postcode **IV32 7LX**

Contact Telephone 1 **01343 870007**

Contact Telephone 2

Fax No **01343 870599**

E-mail* **ask@futureplans.co.uk**

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No

Planning authority **Moray Council**

Planning application reference number **09/01618/PPP**

Site address **Upper Thorn, Drybridge, Buckie**

Description of proposed development **Application for Planning Permission in Principle to erect a house at site at Upper Thorn, Drybridge, Buckie**

Date of application **17/08/2009**

Date of decision (if any) **26/01/2010**

Note. This notice must be served on the Council within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

This request for review is based on a failure to examine all the legitimate options available to the applicant in respect of access and visibility and a misinterpretation of policy by the Council. These matters may be more effectively dealt with by brief discussion rather than purely by written representation.

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

There are technical matters regarding visibility that may need to be explained on site. There are aspects of the character of the surrounding countryside that need to be pointed out.

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

See attached

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

New material in relation to access visibility is being raised because while it could have been explored during consideration of the application, neither the Council nor the applicant pursued the issue exhaustively. It is essential to consider the evidence now put forward because it effectively removes one of the reasons for refusal which is a technical matter.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Notice of Review

Grounds for Review plus Appendices 1 - 13

Note. The Council will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at Renfrewshire House, Cotton Street, Paisley until such time as the review is determined. It may also be available on the Council's website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

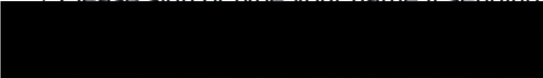
Declaration

I ~~the applicant~~/agent [delete as appropriate] hereby serve notice on the Council to review the application as set out on this form and in the supporting documents.

Please sign or type your name if sending by e-mail

Date

21st APRIL 2010

 MRITI

for future plans

LRB Case Reference No: 011

For office use only: