

## MORAY COUNCIL LOCAL REVIEW BODY

### Review Decision Notice

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#### Decision by Moray Local Review Body (the MLRB)

- Request for Review reference: Case 070
  - Site address: 7 Torfness Place, Burghead, Moray
  - Application for review by Mr and Mrs A Dawson against the decision by an Appointed Officer of the Moray Council
  - Application 12/01923/APP: proposed extension to demolish existing garage at 7 Torfness Place, Burghead, Moray
  - Unaccompanied site inspection carried out by the MLRB on Wednesday 27 February 2013
  - Date of Decision Notice: 23 April 2013
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#### Decision

The MLRB agreed to uphold the original decision of the Appointed Officer and refuse the application.

#### 1.0 Preliminary

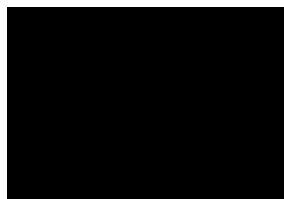
- 1.1 This Notice constitutes the formal decision notice of the Moray Local Review Body (MLRB) as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.
- 1.2 The above case was considered at the meeting of the MLRB on 28 February 2013.
- 1.3 The Review Body was attended by Councillors B Jarvis, (Chair), L Creswell, J Mackay and R Shepherd.

#### 2.0 Proposal

- 2.1 This is an application for planning permission for a proposed extension and demolition of an existing garage at 7 Torfness Place, Burghead.

### **3.0 MLRB Consideration of request for review**

- 3.1 At the meeting of the MLRB on 28 February 2013 there was submitted a "Summary of Information" report by the Clerk to the MLRB setting out the reasons for refusal together with a copy of the Report of Handling and a copy of the Notice of Review and supporting documents.
- 3.2 Councillor Jarvis took the chair for this case.
- 3.5 The MLRB agreed that it had sufficient information to determine the request for review.
- 3.6 In regard to the unaccompanied site inspection carried out on Wednesday 27 February 2013 the Planning Adviser advised the meeting that on arrival at the site members viewed the proposed parking arrangements.
- 3.7 In terms of the reasons for refusal the proposed development did not comply with the Moray Council parking standards for residential properties and was contrary to policy T5 Parking Standards and approval would set an undesirable precedent for similar proposals in the vicinity. The extension to the house would result in a 6 bedroom house and involve the demolition of the garage.
- 3.8 In terms of the grounds for review the appellant made the following points; the refusal is an incorrect interpretation of the Council's car parking standards policy as it clearly states that a dwelling containing 4 or more bedrooms, that 3 car parking spaces are required and that a mix of allocated and unallocated car spaces is acceptable. A maximum of one unallocated space per dwelling exists and the development proposes two allocated spaces and 1 unallocated space.
- 3.9 Councillor J MacKay having visited the site expressed the view that there would be problematic parking at this close enclosure and for this reason he moved that the original decision of the Planning Officer to refuse the application be upheld.
- 3.10 There being no one otherwise minded, the Local Review Body unanimously agreed to uphold the original decision of the Planning Officer to refuse the application.



**Paul Nevin**  
**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.