

- 2 AUG 2013

Notice of Review

CITEE	ESTATES	LEGAL	PERSONAL
COMMENTS			

## 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

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.**

Use BLOCK CAPITALS if completing in manuscript

### Applicant(s)

Name **PETER SMITH**  
Address **2 DAMHEAD STEADING**  
**KINLOSS MORAY**  
Postcode **IV36 3UA**

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

### Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

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

**THE MORAY COUNCIL**

Planning authority's application reference number

**13/00482/APP**

Site address

**COLTFIELD FARM ALVES MORAY**

Description of proposed development

**CONVERT FARM BUILDING TO HOTEL AT  
EASTER COLTFIELD FARM ALVES**

Date of application

**19 MARCH 2013**

Date of decision (if any)

**15 MAY 2013**

**Note.** This notice must be served on the planning authority 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:

A HEARING SESSION AND SITE INSPECTION WOULD SUPPORT MY VIEW THAT THE ROAD DEPARTMENT ARE WRONG

**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 type="checkbox"/>            | <input checked="" 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:

I NORMALLY KEEP THE GATE LOCKED AND I FEEL I WOULD NEED TO BE PRESENT TO EXPLAIN THE LAYOUT ON SITE



## 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.

- ① I FIRST APPLIED FOR PLANNING PERMISSION FOR A COUNTRY HOUSE HOTEL ON 3RD DEC 2010.
- ② I HAD A PREPLANNING MEETING WITH IAN DRUMMOND (PLANNING DEPT) & DIANE ANDERSON (ROADS DEPT) IN JAN. AROUND APRIL, MAY 2010.
- ③ PLANNING SUBMITTED & RUNNING ITS COURSE
- ④ INITIAL REQUEST BY ROADS DEPT. TO WIDEN ROAD, SUPPLY TEN PASSING PLACES & UPGRADE THREE MORE, I CONSIDERED EXCESSIVE
- ⑤ AFTER EIGHT MONTHS THE ONLY HOLD UP WAS ROADS DEPT, SO I ACCEPTED TO PAY FOR WHAT THEY WERE REQUESTING, AFTER A MEETING WITH GORDON HOLLAND IN ROADS DEPT.
- ⑥ I ACCEPTED TO PAY, THAT IS WHEN ROADS DEPT WENT BACK ON THEIR OFFER. EIGHT MONTHS LATER, I GOT A REFUSAL SOLELY ON THE ROADS DEPT DECISION ALL THINGS WITH PLANNING DEPT. WERE OKAY.
- ⑦ THE REFUSAL WAS ON PLANNING POLICY T2 AND IMP1. IN ALL A TOTAL OF SIXTEEN MONTHS, REAPPLIED 19TH MARCH 2013. REFUSAL ON EXACTLY THE SAME CONDITION 15TH MAY 2013.  
I ENCLOSE SUPPORTING DOCUMENTS

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.

## 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.

1/ SET OF PLANS  
 2 ARIAL MAP  
 3 E.MAIL FROM G. HOLLAND 19/7/2011  
 4 E.MAIL FROM I. DRUMMOND 3/8/2011  
 5 E.MAIL FROM KEVIN MALONE 27/5/2011  
 6 LETTER I SENT OUT TO GET HELP.  
 7 PLANNING PAYMENT LETTERS  
 8 STATEMENT OF APPLICATIONS  
 9 ACCIDENT DATA.  
 10 LETTER OF FORMAL COMPLAINT?  
 11 LETTER OF REFUSAL  
 12 ASSOCIATED LETTER. E-MAILS.

**Note.** The planning authority 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 Council Office, High Street, Elgin until such time as the review is determined. It is also be available on the planning authority website.

## Checklist

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

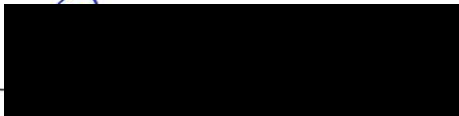
- ☐ Full completion of all parts of this form  
☐ Statement of your reasons for requiring a review  
☐ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

**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 planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

1-8-2013