



## 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 081
  - Site Address: Rabbit Rock, Wester Elchies, Craigellachie
  - Application for review by Plans Plus, Main Street Offices, Urquhart, Moray, IV30 8LG.
  - Planning Application 13/00550/PPP – Erect house at Rabbit Rock, Wester Elchies, Craigellachie
  - Unaccompanied site inspection carried out by the MLRB on Friday 23 August 2013
  - Date of Decision Notice: 23 September 2013
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#### Decision

The MLRB agreed to uphold the original decision of the Planning Officer to 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 application for planning permission was considered by the MLRB at the meeting held on 29 August 2013.
- 1.3 The Review Body was attended by Councillors B Jarvis (Chair), G Leadbitter, G Coull, and J Mackay.

## **2.0 Proposal**

- 2.1 This is an application for planning permission for a proposed erection of a house at Rabbit Rock, Wester Elchies, Craigellachie.

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

- 3.1 With regard to the unaccompanied site inspection carried out on Friday 23 August 2013, the Planning Adviser advised that on the site visit members were shown the site and boundaries and viewed a plan showing the other planning consents referenced within the Appointed Officers handling report. Issues raised in the letters of representation were summarised.
- 3.2 In terms of the refusal, the Planning Adviser advised that the proposal is contrary to Housing in the Countryside policies as the house would be located in a prominent location resulting in an additional dwelling and further incremental build up of housing in the area surrounding Clackbrake Farm. The cumulative effect of build up would be unacceptable and detract from rural character and appearance of the surrounding countryside.
- 3.3 With regard to the Appellant's Grounds for review, the Appellant was of the opinion that the site had identified boundaries and would be grouped sensitively along with the existing steading buildings and old farmhouse. He further expressed that the scale density and character is similar to other developments. Examples of these developments could be seen across Moray for 4, 5 and 6 units. He further stated that the proposal could not be seen from any road network other than the single track road it sits next to. Furthermore, the Appellant was of the opinion that what constitutes over development is open to interpretation.
- 3.4 During discussion, Councillor Coull having had the opportunity to view the site and consider the Appellant's grounds for review, sought clarification from the Planning Adviser with regard to the number of units in the site history as the Appellant had made reference to 5 units and an objector had made reference to 9 units. In response the Planning Adviser advised that the site history that had been shown on the site visit made reference to the units that had already been built and those that had planning permission and had yet to be built.
- 3.5 Councillor Leadbitter, having had the opportunity to view the site and consider the Appellant's grounds for review stated that as he could see vehicles passing on the road leading to the site whilst standing at the site, this indicated that vehicles passing on the road would be able to see the development also. Therefore, he was of the opinion that the visual impact of the development was not as low as the Appellant suggested in his grounds for review.
- 3.6 Councillor Mackay, having had the opportunity to view the site and consider the Appellant's grounds for review agreed with the view of the Planning Officer that the proposed dwelling was contrary to the adopted Moray Local Plan 2008 policies H8 and IMP1 (and Supplementary Planning Guidance: Housing in the Countryside 2010) as the proposal would be located in an overtly prominent

location where there would be no back drop. Thereafter, Councillor Mackay moved that the decision of the Planning Officer be upheld and the appeal be refused. Councillor Coull seconded this motion given the build up of houses within the site plan.

- 3.7 There being no-one otherwise minded, the appeal was refused as the proposed dwelling was deemed contrary to the adopted Moray Local Plan 2008 policies H8 and IMP1.

**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.