



## **MORAY COUNCIL LOCAL REVIEW BODY**

### **DECISION NOTICE**

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Decision by the Moray Local Review Body (MLRB)

- Request for Review reference: Case 110
  - Site address: The Old Schoolhouse, Rathven, Buckie
  - Application for review by Mr and Mrs Slater, c/o Mr B. Newlands, Kraft Architecture Ltd against the decision of an Appointed Officer of The Moray Council.
  - Planning Application 14/01478/APP for proposed gable extension and alteration to external store.
  - Unaccompanied site inspection carried out by the MLRB on 12 December 2014
  - Date of decision notice: 22 December 2014
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### **Decision**

The MLRB agreed to dismiss the request for review and uphold the original decision of the Appointed Officer to refuse the above noted application.

#### **1. Preliminary**

- 1.1 This Notice constitutes the formal decision of the 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 18 December 2014.
- 1.3 The Review Body was attended by Councillors C. Tuke (Chair), J. Mackay and R. Shepherd.

#### **2. Proposal**

- 2.1 This is an application for planning permission for a proposed gable extension and alteration to external store at The Old Schoolhouse, Rathven, Buckie.

### **3. MLRB Consideration of Request for Review**

- 3.1 There was submitted a 'Summary of Information' report setting out the reasons for refusal, together with copies of the Report of Handling, Notice of Review, Grounds for Review and supporting documents.
- 3.2 The MLRB agreed that it had sufficient information to determine the request for review.
- 3.3 With regard to the unaccompanied site inspection carried out on 12 December 2014, the Planning Adviser advised that Members were shown the site where the proposed development would take place.
- 3.4 The Planning Adviser advised the MLRB that the application had been refused on the grounds that the proposal was contrary to BE2, H5 and IMP1 of the Moray Local Plan 2008. She informed the MLRB that the Appointed Officer had advised that the design of the proposed extension was unsympathetic and would have an adverse impact on the character and special historic interest of the Category B Listed Building by changing the appearance of the existing historic form and also the ability to understand the history of the listed building. She advised that the proposed extension was also visible from a number of public vantage points, in particular from Bede Road across open fields, therefore impacting on key views of the listed building.
- 3.5 Referring to the Appellant's Grounds for Review, the Planning Adviser advised that the Appellant had stated the sympathetic design clearly articulated a discreet separation from the existing historic fabric by employing high quality materials to create a plain contemporary addition. They advised that the proposed area was the only practical zone to accommodate the extension for an office space, gym, playroom and sleepover area that could accommodate a growing family and self-employed businesses. They further advised that large sums of money had already been invested to sustain the listed building internally and externally.
- 3.6 Noting that the original design was based upon using the same design and material of the existing house, the Appellant stated that, at the pre-application stage, this was rejected because a modern intervention approach was preferred to differentiate the buildings. They advised that it was their belief that the planned extension clearly differentiates between the older house and the smaller new section. They stated that the reason for refusal was a contradiction of the remit issued by the Council and that the proposal had fulfilled the requirement from Historic Scotland and Council by providing a clear definition between old and new.
- 3.7 The Planning Adviser stated that the Appellant, referring to the ability to understand the history of the listed building, advised that the only alteration to the original building was a small build-up of the rear roof allowing tie-in of the

end gable which, in their opinion, would not affect the appearance of the entire house by much and noted that Historic Scotland had communicated the house as not having “outstanding” architectural or historic merit.

- 3.8 In terms of the historic effect of the rear roof, the Appellant stated that the rear itself was an extension to the building and that the proposed extension would certainly not be visible from a number of public vantage points, being only visible from one side of Bede Road. They advised that the only real vantage point of the extension would be from the Appellant’s own private garden and would not impact on key views of the building.
- 3.9 Councillor Shepherd, having had the opportunity to visit the site and consider the Appellant’s Grounds for Review, stated that he was of the same opinion as the Appointed Officer and moved that the appeal be dismissed and the Appointed Officer’s decision be upheld to refuse the application.
- 3.10 As an amendment, Councillor Mackay stated that he was of the opinion that the proposal complied with Policies BE2, H5 and IMP1 in that the sympathetic design clearly articulates a discreet separation from the existing historic fabric by employing high quality materials in accordance with Section 5 of Historic Scotland’s own guidance and that the extension, looking from Bede Road, does not have the impact on the historic setting of the Grade B Listed school house, which was dominated by the adjacent Grade B Listed Rathven Kirk, adjacent agricultural buildings and the general settlement pattern of Rathven, as seen from this public vantage point. Accordingly, he moved that that the appeal be upheld and planning permission granted, subject to standard conditions. There being no seconder, the motion fell.
- 3.11 The Chair stated that he was of the same mind as Councillor Shepherd and seconded his motion stating, that in particular, the detrimental impact on the Category B Listed Building was contrary to Policy BE2.
- 3.12 There being no one otherwise minded, the MLRB agreed to dismiss the appeal and uphold the Appointed Officer’s decision to refuse planning permission.

**Paul Nevin**  
**Senior Solicitor (Property and Contracts)**  
**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.