

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 FRAN SPILLINGS

Address

Postcode

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
X

Planning authority

MORAY COUNCIL

Planning authority's application reference number

14/02088/APP

Site address

350M NORTH WEST OF DAMHEAD, FORRES, MORAY, IV36 2SJ

Description of proposed development

REPLACE STORAGE SHED AND BUILDERS YARD WITH HOUSE AND GARAGE

Date of application

31/10/2014

Date of decision (if any)

15/01/15

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) X
- 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 X
- 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 X
- 4. Assessment of review documents only, with no further procedure X

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:

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"/> | X
<input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | X
<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:

Access to the storage shed and builder's yard is via a locked gate. This can be opened on request.

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)
PLANNING PERMISSION FOR THE STORAGE SHED WAS GIVEN IN 1997 (97/01658/FUL) AND IT WAS BUILT WITHIN 18 MONTHS. IT HAS BEEN IN USE SINCE THAT TIME.

ANY VEHICULAR TRAFFIC FROM A NEW DWELLING HOUSE AND GARAGE WOULD BE OFFSET BY THE REDUCTION OF TRAFFIC FROM THE STORAGE SHED AND BUILDERS YARD. THIS WAS ACCEPTED AS EQUIVALENT WHEN ENQUIRIES WERE MADE TO THE ROADS DEPT. ON PRELIMINARY ENQUIRIES

2)
THE GROUNDS FOR REFUSAL GIVEN WAS THAT THE B9010/U107E JUNCTION REQUIRED IMPROVEMENTS TO BE MADE SAFE. HOWEVER IMPROVEMENT OF THE B9010/U107E JUNCTION WAS STARTED IN JANUARY 2015

THE JUNCTION HAS BEEN WIDENED AND IS ABLE TO ACCOMODATE TWO CARS PASSING ONE ANOTHER.

THE GARDEN BOUNDARY ON THE RIGHT HAND SIDE OF THE JUNCTION HAS BEEN STEPPED BACK TO GIVE CLEAR VISIBILITY AND A BOUNDARY WALL HAS BEEN BUILT.

THE HEDGE ON THE LEFT HAND SIDE IS BEING MAINTAINED BELOW 1 METRE IN HEIGHT, UNTIL WORK ON THIS SIDE IS COMPLETED

I BELIEVE THAT THIS SHOULD HAVE HAD AN IMPACT ON THE DECISION PROCESS.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No
X

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.

THE SCHEDULED IMPROVEMENTS TO THE JUNCTION AT B9010/U107E BEGAN WITHIN 1 WEEK OF THE REFUSAL OF MY APPLICATION.

I FEEL THIS COULD HAVE BEEN TAKEN INTO ACCOUNT AS THE IMPROVEMENTS WERE ABOUT TO BE STARTED.

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.

PHOTOGRAPHS OF THE JUNCTION B9010/U107E SHOWING IMPROVEMENTS MADE TO DATE. GIVING IMPROVED VISIBILITY TO THE LEFT AND RIGHT

PHOTOGRAPH OF B9010/U107E JUNCTION SHOWING THAT 2 CARS CAN FIT SIDE BY SIDE.

PHOTOGRAPHS OF STORAGE SHED BUILT UNDER PLANNING CONSENT REF 97/01658/FUL

PHOTOGRAPHS OF THE DOCUMENT SHOWING THAT PLANNING PERMISSION FOR THE STORAGE SHED WAS GRANTED IN 1997.

COPY OF ORIGINAL PLANNING APPLICATION

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

Signed



Date

20th March 2015