



MORAY LOCAL REVIEW BODY

DECISION NOTICE

Decision by the Moray Local Review Body (MLRB)

- Request for Review reference: Case LR125
 - Site address: Wardend Lodge, Wardend, Birnie
 - Application for review by Mr Gavin Strathdee, c/o Mr Stewart Reid, Strathdee Properties Ltd against the decision of an Appointed Officer of The Moray Council.
 - Planning Application 15/00643/APP for proposed erection of dwellinghouse with detached garage.
 - Unaccompanied site inspection carried out by the MLRB on 26 August 2015
 - Date of decision notice: 18 September 2015
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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 27 August 2015.
- 1.3 The MLRB was attended by Councillors C. Tuke (Chair), G. Coull (Deputy Chair), G. Cowie and R. Shepherd.

2. Proposal

- 2.1 This is an application for planning permission for the proposed erection of dwellinghouse with detached garage at Wardend Lodge, Wardend, Birnie.

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 26 August 2015, 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 Policy 1 of the approved Moray Structure Plan 2008, Policies H8 and IMP1 of the adopted Moray Local Plan 2008 and Supplementary Planning Guidance 'Housing in the Countryside' (January 2012) in that ten house plots have been approved within the current Local Plan period within the same woodland as the application site and the introduction of a further house plot into this would result in an unacceptable build-up of housing that would be detrimental to the rural character of the area. She also advised that despite the screening afforded by the established trees, the cumulative impact of this proposal would alter the appearance of the area through the increased visibility of built development and through associated activity i.e. increased traffic movements; refuse bin collections etc. which in turn would erode its rural character.
- 3.5 Referring to the Applicant's Grounds for Review, the Planning Adviser advised that the Applicant had stated that the house design is of a low-impact, rural style which is well-designed and would enhance the area and the design ensures minimum prominence. They advised that the design ethos ensures that the finished plots do not form any sense of urbanisation.
- 3.6 Stating that the additional dwelling would not cause detriment as it will be hidden from view, the Applicant had advised that the location selected is a hidden spot with existing mature tree growth surrounding the proposed plot which will help to integrate and conceal the dwelling and garage from other developments. They noted that the proposed plot will be located at a distance of 147m from any other property in the vicinity and, given it will be surrounded by existing mature trees, a feeling of seclusion and remoteness will be achieved.
- 3.7 The Applicant advised that it was their belief that it is unlikely that another dwelling will noticeably increase the flow of traffic or cause any problems and that there is high demand and a need for rural accommodation in close proximity to Elgin, with the application complying with all relevant parts of the Structure and Local Plan.
- 3.8 Councillor Coull, having had the opportunity to visit the site and consider the Applicant'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.

- 3.9 The Chairman, whilst remaining unconvinced that the application fails to comply with Policy IMP1, stated he was of the same opinion as Councillor Coull and seconded his motion.
- 3.10 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 & 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 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

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.