



## MORAY LOCAL REVIEW BODY

### DECISION NOTICE

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Decision by the Moray Local Review Body (MLRB)

- Request for Review reference: Case LR145
  - Site address: Site at Glen of Rothes, Rothes
  - Application for review by Mr Duncan Dunbar Naismith, c/o Mr Stuart Morrison, Grant & Geoghegan against the decision of an Appointed Officer of The Moray Council
  - Planning Application 15/01582/APP to erect dwellinghouse with garage
  - Unaccompanied site inspection carried out by the MLRB on 24 February 2016
  - Date of decision notice: 3 March 2016
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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 2013.
- 1.2 The above application for planning permission was considered by the MLRB at the meeting held on 25 February 2016.
- 1.3 The MLRB was attended by Councillors C. Tuke (Chair), G. Cowie, K. Reid and R. Shepherd.

#### **2. Proposal**

- 2.1 This is an application for planning permission to erect dwellinghouse with garage at Glen of Rothes, Rothes.

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

- 3.1 The Moray Local Review Body (MLRB) considered a request from the Applicant seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse an application to erect dwellinghouse with garage on Site at Glen of Rothes, Rothes.

- 3.2 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.
- 3.3 The MLRB agreed that it had sufficient information to determine the request for review.
- 3.4 With regard to the unaccompanied site visit carried out on 24 February 2016, Mr Henderson, Planning Adviser, advised that Members were shown the site where the proposed development would take place.
- 3.5 The Planning Adviser advised the MLRB that the application had been refused on the grounds that the proposal was contrary to Policy H7 of the Moray Local Development Plan 2015 on the basis that a house on the proposed site would not reflect the traditional settlement pattern in the locality and would not be integrated within the landscape setting, and on this basis would be visually intrusive, unsympathetic development.
- 3.6 Referring to the Applicant's Grounds for Review, the Planning Adviser advised that the Applicant had stated that the introduction of a dwellinghouse beside an existing residential property set within a wider scattering of houses and agricultural buildings can be seen to reflect the established settlement pattern and it is not obtrusive development as the house would be located on the lower North Eastern edge of the site.
- 3.7 Stating that the proposal would not be a ribbon development and has no impact on the character or setting of neighbouring properties, the Applicant advised their belief that the proposal will not lead to build up and that the plans show that the addition of one house with the proposed separation will not have this effect nor are there any approved plots in the vicinity. The Applicant also advised that the site has 50% of its boundaries as established features through a combination of roads, a watercourse, and a disused railway track.
- 3.8 Councillor Shepherd, having had the opportunity to visit the site and consider the Applicant's Grounds for Review, moved that the review be dismissed and the Appointed Officer's decision be upheld to refuse the planning application.
- 3.9 Councillor Cowie stated he was of the same opinion as Councillor Shepherd and seconded his motion.
- 3.10 Councillor Reid also stated that she was of the same opinion as Councillors Shepherd and Cowie.
- 3.11 There being no one otherwise minded, the MLRB agreed to dismiss the review and uphold the Appointed Officer's decision to refuse planning permission in respect of Planning Application 15/01582/APP.

**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 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.