



MORAY LOCAL REVIEW BODY

DECISION NOTICE

Decision by the Moray Local Review Body (MLRB)

- Request for Review reference: Case LR267
 - Application for review by Mr B Harris, c/o Mr C Mackay, CM Design against the decision of an Appointed Officer of Moray Council
 - Planning Application 21/01206/APP – Erection of 2no Self-Catering Apartments (East Wing) at Norland, Stotfield Road, Lossiemouth
 - Date of decision notice: 9 March 2022
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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 24 February 2022.
- 1.3 The MLRB was attended by Councillors Bremner, Cowie, Gatt, A McLean, R McLean, Powell and Ross.

2. MLRB Consideration of Request for Review

- 2.1 A request was submitted by the Applicant seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse planning permission on the grounds that:

The design and siting of the proposal is considered to represent overdevelopment, whilst also having an adverse impact on the character and amenity of the surrounding area which is designated as a Special Landscape Area in the Moray Local Development Plan 2020 (MLDP). On this basis, the proposal fails to comply with MLDP policies DP1 - Development Principles,

DP8 - Tourism Facilities and Accommodation and EP3 - Special Landscape Areas and Landscape Character.

- 2.2 A Summary of Information Report set out the reasons for refusal, together with the documents considered or prepared by the Appointed Officer in respect of the planning application, in addition to the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.
- 2.3 In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, the Legal Adviser advised that she had nothing to raise at this time. Ms Webster, Planning Adviser advised of a typo within the Report of Handling which stated that planning permission had been granted when in fact it had been refused. This was noted.
- 2.4 The Chair then asked the MLRB if it had sufficient information to determine the request for review. In response, the Moray Local Review Body (MLRB) unanimously agreed that it had sufficient information to determine the case.
- 2.5 Following consideration, the MLRB unanimously agreed to dismiss the appeal and uphold the original decision of the Appointed Officer to refuse planning permission in respect of Planning Application 21/01206/APP as the proposal is contrary to policies DP1 (Development Principles), DP8 (Tourism Facilities and Accommodation) and EP3 (Special Landscape Areas and Landscape Character) of the MLDP 2020.

Mrs Aileen Scott
Legal Services Manager
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.