



MORAY LOCAL REVIEW BODY

DECISION NOTICE

Decision by the Moray Local Review Body (MLRB)

- Request for Review reference: Case LR272
 - Application for review by Mr M Wilson c/o Mr Michael Ritchie, Mantell Ritchie against the decision of an Appointed Officer of Moray Council
 - Planning Application 21/00059/APP – Demolish existing store and erection of dwellinghouse at Store, Seatown, Cullen Buckie
 - Date of decision notice: 20 April 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 31 March 2022.
- 1.3 The MLRB was attended by Councillors Taylor (Chair), Bremner (Depute Chair, Cowie, Gatt, Nicol and Powell.

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:
 1. The proposal would be contrary to policies PP1, PP3, DP1, DP2 and EP9 of the Moray Local Development Plan (MLDP) 2020 and associated guidance contained within the Cullen Conservation Area Character Appraisal for the following reasons:

2. The proposed development by virtue of the unsympathetic design detailing would have an adverse impact on the character and appearance of what is an exceptionally prominent site on the frontage of the Cullen Conservation Area.
 3. Furthermore the applicants have failed to provide 3 car parking spaces, which if the development were permitted, would be likely to give rise to conditions detrimental to the road safety of road users. The lack of an EV charging point within the site is a matter which should be easily overcome, however, failure to provide this as part of the proposals results in a further reason for refusal on this basis.
- 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, both the Legal and Planning Advisers advised that they had nothing to raise at this time.
 - 2.4 The Chair then asked the Moray Local Review Body (MLRB) if it had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information to determine the case.
 - 2.5 Following consideration, the MLRB unanimously agreed to refuse planning permission in respect of Planning Application 21/00059/APP as the proposal is contrary to policies PP1 (Placemaking), PP3 (Infrastructure and Services), DP1 (Development Principles), DP2 (Housing) and EP9 (Conservation Areas) of the MLDP 2020 and associated guidance contained within the Cullen Conservation Area Character Appraisal.

Mr Sean Hoath
Senior Solicitor
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.