



MORAY LOCAL REVIEW BODY

DECISION NOTICE

Decision by the Moray Local Review Body (MLRB)

- Request for Review reference: Case LR303
 - Application for review by Mr Graham Calder, c/o Mr Colin Keir, Plans Plus against the decision of an Appointed Officer of Moray Council
 - Planning Application 24/00160/APP – Erect car port 32 Muirfield Road, Elgin, IV30 6DE
 - Unaccompanied site inspection carried out by the MLRB on 14 August 2024
 - Date of decision notice: 2 September 2024
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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 15 August 2024.
- 1.3 The MLRB was attended by Councillors Macrae (Chair), Dunbar (Depute), Cameron, Harris, McBain, van der Horn, Warren and Williams.

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 proposed car port does not comply with the National Planning Framework 4 (NPF4) Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes) as well as Moray Local Development Plan (MLDP) Policy DP1 (Development Principles) as it would create an incongruous feature on the principal elevation of a mid-terrace house in an area where there are no buildings/structures that

sit to the front of houses. The proposal therefore would appear out of place and be detrimental to the established character of the surrounding area.

- 2.2 The Summary of Information Report set out the reasons for refusal, including the documents considered or prepared by the Appointed Officer regarding the planning application. It also included 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 The Chair reminded the MLRB of a prior appeal which had been considered relating to a free standing car port and noted that this new appeal related to a car port installation however this time the proposal was to attach it to the house and moved that MLRB uphold the original decision of the Appointed Officer and dismiss the appeal as the proposal does not comply with NPF4 Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes), as well as MLDP Policy DP1 (Development Principles). Councillor van der Horn seconded this, stating that there was no material difference between this application and the previous one.
- 2.6 There being no-one otherwise minded, the MLRB agreed to dismiss the appeal and uphold the original decision of the Appointed Officer to refuse planning permission in respect of Planning Application 24/00160/APP as the proposal does not comply with NPF4 Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes), as well as MLDP Policy DP1 (Development Principles).

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.