

# NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

**IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.**

**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	<div></div>	Ref No.	<div></div>
Forename	<div></div>	Forename	<div></div>
Surname	<div></div>	Surname	<div></div>
Company Name	<div></div>	Company Name	<div></div>
Building No./Name	<div></div>	Building No./Name	<div></div>
Address Line 1	<div></div>	Address Line 1	<div></div>
Address Line 2	<div></div>	Address Line 2	<div></div>
Town/City	<div></div>	Town/City	<div></div>
Postcode	<div></div>	Postcode	<div></div>
Telephone	<div></div>	Telephone	<div></div>
Mobile	<div></div>	Mobile	<div></div>
Fax	<div></div>	Fax	<div></div>
Email	<div></div>	Email	<div></div>

  

3. Application Details	
Planning authority	<div>Moray</div>
Planning authority's application reference number	<div>BNF12563      24/00996/APP</div>
Site address	<div>157 Mid Street, Keith. AB55 5BJ</div>
Description of proposed development	<div>Replacement of existing windows and door with double glazed PVC</div>

Date of application

August 2024

Date of decision (if any)

November 2024

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

#### 4. Nature of Application

Application for planning permission (including householder application)

☐

Application for planning permission in principle

☐

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

☐

Application for approval of matters specified in conditions

☐

#### 5. Reasons for seeking review

Refusal of application by appointed officer

☐

Failure by appointed officer to determine the application within the period allowed for determination of the application

☐

Conditions imposed on consent by appointed officer

☒

#### 6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions

☐

One or more hearing sessions

☒

Site inspection

☐

Assessment of review documents only, with no further procedure

☐

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

Consideration has to be taken that the property is in a conservation area and that the rules do not just apply to 157 Mid Street.  
Moray Council also need to think about what they want in a main shopping street, empty buildings being left to rot or small businesses that are willing to invest.

#### 7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

Can the site be viewed entirely from public land?

☒

Is it possible for the site to be accessed safely, and without barriers to entry?

☐



If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

## 8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Firstly, Moray Council has a great deal on their website about having cleaner, more environmentally friendly, business net work but yet when I try to reduce my environmental impact by replacing windows, I am refused, despite highlighting that all the existing materials are going to be recycled by the company fitting the new windows.

I appreciate Mid Street is in a conservation area, which is why I am not proposing doing away with the door recess and have offered to refit the floral corner decorations, to the new windows. I am also aware that there are empty commercial properties on the street being left to ruin, with window frames rotting away but there seems to be no move by Moray Council to force the owners to repair or replace these. Surely this forms part of the conservation plan.

Many other properties, as shown in the photos, have already replaced their windows, either with or without permission, and to highlight 157 Mid Street as being of conservation interest feels like I am being segregated against. The rules apply to a conservation area and not just my property and therefore it is unjust to say that other properties can not be taken into consideration when they form part of the conservation area that my business sits within.

One of my windows has already had significant repairs done and these will not last forever.

By refusing the planning permission originally, I am now unlikely to be able to benefit from the Moray Council grant funding that I applied for and had been accepted for as all work has to be completed by March 2025. This means that if planning permission is ever granted, the cost of replacing the windows and door will be double what I originally had budgeted for, which is a considerable commitment to a small business, but one I am willing to do, if it means having a warmer, drier property.

Security of the existing property is also an issue as the existing door, can no longer be bolted at ground level, due to the shape of the door changing over the years, the bottom bolt no longer aligns with the hole in the ground. Although there are two other locks on the door, it would not take a Stoltman brother to knock it in. A new door would give more security.

The door is also quite difficult for wheelchair users as it has to be opened to its double width from the inside. A new door would therefore be more wheelchair friendly.

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Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

## 9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Photographs of other properties on Mid Street

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

## 10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☒

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

## DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:



Date:

13/1/2025

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.