



MORAY LOCAL REVIEW BODY

DECISION NOTICE

Decision by the Moray Local Review Body (MLRB)

- Request for Review reference: Case LR307
 - Application for review by Ms H Austin, c/o Mr Craig Mackay, CM Design against the decision of an Appointed Officer of Moray Council
 - Planning Application 24/00799/APP for Erect detached ancillary annexe for domestic use only at Glendale, Roseisle, Elgin, Moray
 - Unaccompanied site inspection carried out by the MLRB on 15 January 2025
 - Date of decision notice: 29 January 2025
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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 16 January 2025.
- 1.3 The MLRB was attended by Councillors Macrae (Chair), Dunbar (Depute), Cameron, Harris, McBain and Van der Horn.

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, terms of the Scheme of Delegation, to refuse planning permission on the grounds that:

The development is contrary to the development plan for the following reasons:

The size (85m²) and the siting of the annex on higher ground 45m from the main house would have a detrimental impact on the surrounding area contrary

to NPF4 policy 16 (g) (i) and the development would not reflect the scale or character of the main house or the surrounding area and as such is contrary to MLDP policy DP1 (i) (a).

- 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. The Legal Adviser and the Planning Adviser 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 Councillor Cameron sought to commend the officers on the amount of information that had been provided to the MLRB and moved to refuse the appeal and uphold the original decision of the Appointed Officer to refuse planning permission in respect of Planning Application 24/00799/APP as the proposal is contrary to NPF4 policy 16 (g) (i) and MLDP policy DP1 (i) (a). Councillor Van der Horn seconded this.
- 2.6 There being no one otherwise minded, the MLRB agreed to uphold the original decision of the Appointed Officer to refuse planning permission in respect of Planning Application 24/00799/APP as the proposal is contrary to NPF4 policy 16 (g) (i) and MLDP policy DP1 (i) (a).

Mr S 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.