



MORAY COUNCIL LOCAL REVIEW BODY

Review Decision Notice

Decision by Moray Local Review Body (the MLRB)

- Request for Review reference: Case 074
 - Site address: Plots A and B Hillside, Carron, Moray
 - Application for review by Mrs L Watt, against the decision by an Appointed Officer of the Moray Council
 - Applications 12/01853/PPP and 12/01854/PPP: Planning Permission for the proposed erection of a house on Plots A and B, at Hillside Carron
 - Unaccompanied site inspection carried out by the MLRB on Thursday 21 March 2013
 - Date of Decision Notice: 18 April 2013
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Decision

The MLRB agreed to uphold the original decision of the Planning Officer to refuse the application.

1.0 Preliminary

- 1.1 This Notice constitutes the formal decision notice of the Moray Local Review Body (MLRB) as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.
- 1.2 The above application case was considered at the meeting of the MLRB on 28 March 2013.
- 1.3 The Review Body was attended by Councillors C Tuke, (Chair), B Jarvis, G Leadbitter, J Mackay and G Coull.

2.0 Proposal

- 2.1 This is an application for planning permission in principle for a proposed new dwellinghouse on Plots A and B adjacent to Hillwood, Carron, Aberlour, Moray.

3.0 MLRB Consideration of request for review

- 3.1 At the meeting of the MLRB on 28 March 2013 there was submitted a 'Summary of Information' report by the Clerk to the MLRB setting out the reasons for refusal together with a copy of the Report of Handling and a copy of the Notice of Review & supporting documents.
- 3.2 In regard to the unaccompanied site inspection carried out on Thursday 21 March 2013 the Planning Adviser advised the meeting that on arrival at the site members were shown the location of the proposed sites and viewed them in the context of the existing surrounding housing and were provided with a plan showing the recent planning history of development in the vicinity of the site.
- 3.3 The proposals were refused on the basis that they would lead to a build up of development in the area; and would extend the linear development along the road side and set a negative precedent for similar development which would result in a detrimental impact on the character and appearance of an area that is designated for its great landscape value.
- 3.4 In the Appellant's grounds for review it is stated that the proposals comply with Housing in the Countryside policies in terms of the established boundaries, backdrop and potential to accommodate additional tree cover. The sites are located in a valley and unseen from any major road network and only visible when travelling along the single track road.
- 3.5 Reference was also made to an approval for two house plots in close proximity to the site determined by another Planning Officer. It was further contended that the Officers view of what constitutes over development is arbitrary and open to interpretation. There needs to be consistency in the decision making and there is no clear guidance as to what constitutes over development.
- 3.6 The MLRB agreed that it now had sufficient information and proceeded to determine the request for review.
- 3.7 Councillor Leadbitter having visited the site and considered the Appellant's grounds for review expressed the view that he was in agreement with the views of the Planning Officer and although he recognised that other houses had been approved in the area, he also recognised that they were considered on their own merits and were better screened within woodland and in his opinion this did not have a bearing on the current application. The current application is sitting in a comparatively open field area albeit one end of it is next to an existing property, however there was not the same backdrop of trees and he moved that the appeal is refused and the original decision of the Appointed Officer to refuse the application be upheld for the reasons stated in the report.
- 3.8 Councillor Tuke having visited the site and considered the Appellant's grounds for review advised that, in his opinion, this proposal would fall within the Moray Local Planning Policy H6 for development within designated rural communities; however this was not a designated rural community. In his opinion there was a build up of properties around this area and on the site visit after almost getting stuck up a dead end lane track on the bus - it was obvious that this was not a well used road and to merit the fact that it states that there is an overt visual intrusion because there is no passing traffic apart from the residents in the area, from which there had been no objections. For these reasons he moved that the request for review be upheld.

- 3.9 Councillor Jarvis expressed the view that having visited the site and viewed the appellant's grounds for review he supported Councillor Tuke's motion to support the request for review for the reasons given.
- 3.10 Councillor J MacKay having visited the site and considered the Appellant's grounds for review was of the opinion that as the application was for planning permission in principle the approval of this site would exacerbate a build up of development and lead to coalescent ribbon development along the roadside which would have an adverse impact on the character and appearance of the area and would be contrary to Moray Local Planning Policies H8, E7 and IMP1 and for these reasons he supported Councillor Leadbitter's motion to uphold the original decision of the Appointed Officer to refuse the application.
- 3.11 Councillor Coull having visited and considered the Appellant's grounds for review was of the opinion that this was a difficult application as it was not on the main road, however in terms of build up he referred to the maps on pages 28 and 29 of the paperwork and as this is an area of great landscape value for these reason he supported the views of Councillors Leadbitter and J MacKay to uphold the decision of the Appointed Officer to refuse the application.
- 3.12 On a 3 to 2 majority the MLRB agreed to uphold the decision of the Appointed Officer to refuse the application. Therefore the appeal is refused.



Paul Nevin
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 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

- 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.