



MORAY COUNCIL LOCAL REVIEW BODY

Review Decision Notice

Decision by Moray Local Review Body (the MLRB)

- Request for Review reference: Case 084
 - Site Address: Claylands, Aultmore, Keith
 - Application for review by Mr K Edwards, 0/1, 2 Caledon Street, Glasgow, G12 9DX
 - Planning Application 13/00150/PPP – Erect house at Auchairn, Keith
 - Unaccompanied site inspection carried out by the MLRB on Friday 23 August 2013
 - Date of Decision Notice: 23 September 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 for planning permission was considered by the MLRB at the meeting held on 29 August 2013.
- 1.3 The Review Body was attended by Councillors B Jarvis (Chair), G Leadbitter, G Coull, and J Mackay.

2.0 Proposal

2.1 This is an application for planning permission for a proposed erection of a house at Auchairn, Keith.

3.0 MLRB Consideration of request for review

- 3.1 With regard to the unaccompanied site inspection carried out on 23 August 2013, the Planning Adviser advised that Members were shown the site and given an overview of the planning history of the site.
- 3.2 In terms of the refusal, the Planning Advisor advised that the proposal was contrary to housing in the countryside policies as it lacked sufficient backdrop to offset its prominence when viewed from the public road. Furthermore, the development would represent inappropriate overtly prominent development that is neither low impact or well located and would detract from the character of this part of the countryside.
- 3.3 In the Appellant's grounds for review, the Appellant was of the opinion that the proposal would not detract from the character of appearance or setting of the countryside and is not overtly prominent as it sits within the landscape and has a backdrop of trees.
- 3.4 Councillor Coull, having had the opportunity to view the site and consider the Appellant's grounds for review agreed with the view of the Planning Officer. This was seconded by Councillor Shepherd. Councillor Leadbitter also agreed with the view of Councillors Coull and Shepherd as the development had previously been refused and further stated that the post and wire fencing did not constitute a defined boundary.
- 3.5 There being no-one otherwise minded, the Committee unanimously agreed to uphold the decision of the Planning Officer and refused the appeal as the proposal was found to be contrary to policy 1(e) of the Moray Structure Plan 2007 and policies H8 and IMP1 of the adopted Moray Local Plan 2008

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.