



MORAY COUNCIL LOCAL REVIEW BODY

DECISION NOTICE

Decision by the Moray Local Review Body (MLRB)

- Request for Review reference: Case LR114
 - Site address: Ardoch Meadows, Ardoch Farm, Mulben, Keith.
 - Application for review by Mr Gavin Strathdee, c/o Mr Stewart Reid, Strathdee Properties Ltd against the decision of an Appointed Officer of The Moray Council.
 - Planning Application 14/01580/APP to erect dwellinghouse with detached garage at Ardoch Meadows, Ardoch Farm, Mulben, Keith.
 - Unaccompanied site inspection carried out by the MLRB on 26 January 2014
 - Date of decision notice: 12 February 2015
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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 2008.
- 1.2 The above application for planning permission was considered by the MLRB at the meeting held on 29 January 2014.
- 1.3 The Review Body was attended by Councillors C. Tuke (Chair), G. Coull, K. Reid and R. Shepherd.

2. Proposal

- 2.1 This is an application for planning permission to erect dwellinghouse with detached garage at Ardoch Meadows, Ardoch Farm, Mulben, Keith.

3. MLRB Consideration of Request for Review

- 3.1 There was submitted a 'Summary of Information' report setting out the reasons for refusal, together with copies of the Report of Handling, Notice of Review, Grounds for Review and supporting documents.
- 3.2 The MLRB agreed that it had sufficient information to determine the request for review.
- 3.3 With regard to the unaccompanied site inspection carried out on 26 January 2015, the Planning Adviser advised that Members were shown the site where the proposed development would take place.
- 3.4 Councillor Coull queried if the three plots within the vicinity still have current planning permission. In response, the Planning Adviser, referring to pages 4 and 17, confirmed that they had current planning permission. Thereafter, the MLRB agreed that it had sufficient information to determine the request for review.
- 3.5 The Planning Adviser advised the MLRB that the application had been refused on the grounds that the proposal was contrary to Policy 1(e) of the approved Moray Structure 2007, Policies H8 and IMP1 of the Moray Local Plan 2008 and Supplementary Planning Guidance "Housing in the Countryside (January 2012)". She informed the MLRB that the Appointed Officer had advised that the prevailing rural housing pattern within this part of the countryside is characterised by single and small clusters of housing dispersed along the corridor/valley. She noted that three plots have already been approved within the plan period to the north and south and further six to the east, of which three are built. She advised that the introduction of the proposed dwelling, in addition to those consented and built, would be readily visible from the road and would result in unacceptable cumulative build up detrimental to the rural character.
- 3.6 Referring to the Appellant's Grounds for Review, the Planning Adviser advised that the Appellant had stated that this pocket of woodland is ideal for an additional dwelling and there is enough scope to accommodate a house without having a detrimental impact on the rural character. They noted that the site will have a backdrop of trees although some of this will be removed to provide space for construction however the existing forestry plantation will diminish prominence.
- 3.7 Referring to the rural characteristic of the area, the Applicant stated that there are various consents in the area and each plot has been spaced out at a reasonable distance to ensure rural feeling is achieved. Noting that there was a huge demand for rural accommodation, the vast majority of which was for local people, they advised that the design does not detract from rural character as the dwelling is a contemporary low impact design with traditional features and materials.

- 3.8 The Applicant stated that this type of development helps the local economy and has an effect on services, schools and shops, offering valuable work to local tradesmen and building merchants. They advised that the application should be treated on its own merits.
- 3.9 Councillor Reid, having had the opportunity to visit the site and consider the Appellant's Grounds for Review, stated she was of the same opinion as the Appointed Officer, namely the prominence of the proposed development from the road and the unacceptable cumulative build-up, and moved that the appeal be dismissed and the Appointed Officer's decision be upheld to refuse the application.
- 3.10 The Chair advised that he was of the same mind as Councillor Reid and seconded her motion, stating that the proposed development would lead to a linear development and an unacceptable build-up.
- 3.11 There being no one otherwise minded, the MLRB agreed to dismiss the appeal and uphold the Appointed Officer's decision to refuse planning permission in respect of Planning Application 14/01580/APP.

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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.