



MORAY COUNCIL LOCAL REVIEW BODY

DECISION NOTICE

Decision by the Moray Local Review Body (MLRB)

- Request for Review reference: Case LR118
 - Site address: Corryhabbie Rise, Corryhabbie, Dufftown
 - Application for review by Mrs Diane Strathdee, c/o Mr Stewart Reid, Strathdee Properties Ltd against the decision of an Appointed Officer of The Moray Council.
 - Planning Application 14/01940/APP to erect dwellinghouse with detached garage at Corryhabbie Rise, Corryhabbie, Dufftown
 - Unaccompanied site inspection carried out by the MLRB on 23 March 2015
 - Date of decision notice: 13 April 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 26 March 2015.
- 1.3 The Review Body was attended by Councillors C. Tuke (Chair), J. Allan, G. Coull, M. McConnachie and R. Shepherd.

2. Proposal

- 2.1 This is an application for planning permission to erect dwellinghouse with detached garage at Corryhabbie Rise, Corryhabbie, Dufftown.

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 23 March, 2015, the Planning Adviser advised that Members were shown the site where the proposed development would take place.
- 3.4 The Planning Adviser advised the MLRB that the application on the grounds that the proposal does not comply with Policies 1 and 2 of Moray Structure Plan and Policies H8, E7 and IMP1 of the Moray Local Plan 2008. She informed the Board that the Appointed Officer had deemed that the proposal, when viewed in conjunction with the neighbouring consented houses (13/01334/APP and 14/01907/APP), would result in a build up of new residential development to the detriment of the appearance of the surrounding countryside which is characterised by its open unpopulated appearance and designated as an Area of Great Landscape Value for its scenic qualities. She noted that the site also lacks 50% boundary enclosure, as required by Policy H8, which results in a development which would not integrate well into the landscape.
- 3.5 Referring to the Applicant's Grounds for Review, the Planning Adviser advised that the Applicant had stated that the plot would suit proposed location and complement the existing adjacent consents without spoiling the open unpopulated appearance due in part to the plot being located to the rear (south) of the existing consented plots as well as the plot size itself and the size of the adjacent plots, which measure at least half an acre.
- 3.6 The Applicant noted that 75% of the site is bounded by existing enclosure. They advised that the north western boundary has an existing watercourse and wire fence while the south west and south boundaries have existing watercourses. She informed the Body that they had stated that the house design is low impact, rural in style, well designed and previously approved in other sites in Moray. They noted that the existing hillside will act as a backdrop. Referring to the high demand for rural accommodation, the Applicant advised that the proposal would help meet and retain skills and jobs in the area as well as assisting local services, schools, shops and wider economy. They stated that the application should be treated on its individual merits.
- 3.7 Councillor McConachie queried as to whether watercourses, ditches and old fences constitutes a boundary. In response, the Planning Adviser noted that supplementary guidance states that boundaries should be long established and capable of distinguishing the site from surrounding land. She advised

that examples included dykes, hedges, watercourses, woodland, tracks and roadways.

- 3.8 Councillor Coull, having had the opportunity to visit the site and consider the Appellant's Grounds for Review, stated that he did not believe the proposal would result in an unacceptable build up of new residential development. He noted that he did not believe there was evidence of 50% boundary enclosure. He stated that as such he was of the same opinion as the Appointed Officer and moved that the appeal be dismissed and the Appointed Officer's decision be upheld to refuse the application.
- 3.9 Councillor Allan stated he was of the same opinion as Councillor Coull and seconded his motion.
- 3.10 The Chair stated that he was of a similar opinion and advised that he did not believe the scale and density was in character with the site in terms of Policy IMP1.
- 3.11 There being no one otherwise minded, the the MLRB unanimously agreed to dismiss the appeal and uphold the Appointed Officer's decision to refuse planning permission in respect of Planning Application 14/01940/APP.

Paul Nevin
Senior Solicitor (Property & Contracts)
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.