

MORAY COUNCIL

Minute of Meeting of the Moray Local Review Body

Thursday, 30 January 2020

Council Chambers, Council Office, High Street, Elgin, IV30 1BX

PRESENT

Councillor George Alexander, Councillor David Bremner, Councillor Paula Coy, Councillor Donald Gatt, Councillor Derek Ross, Councillor Amy Taylor

APOLOGIES

Councillor Ray McLean

IN ATTENDANCE

Principal Planning Officer (Strategic Planning and Development) and Mr Henderson, Planning Officer as Planning Advisers, Mr Hoath, Senior Solicitor and Ms Sarwar, Solicitor (Licensing and Regulatory) as Legal Advisers and Mrs Rowan, Committee Services Officer as Clerk to the Moray Local Review Body.

1 Chair

Councillor Taylor, being chair of the Moray Local Review Body, chaired the meeting.

2 Minute of Meeting dated 28 November 2019

The minute of the meeting of the Moray Local Review Body dated 28 November 2019 was submitted and approved.

3 Declaration of Group Decisions and Members Interests

In terms of Standing Order 20 and the Councillor's Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Members interests in respect of any item on the agenda.

4 LR232 - Ward 4 - Fochabers Lhanbryde

Planning Application 19/00825/APP – Erect dwellinghouse, detached garage and all associated works at Plot on Station Road, Urquhart, Moray

A request was submitted by the Applicant seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse an application on the grounds that:

The proposal is contrary to the provisions of the Moray Local Development Plan

2015 because:

- i. It would be prominently and obtrusively sited in an open area of agricultural ground with no natural backdrop, nor any long established boundaries that would enable it to be adequately integrated without detriment to the rural character of the area. This is contrary to policies H7 (Housing in the Countryside) and IMP1 (Developer Requirements), as well as the Supplementary Guidance on Housing in the Countryside; and
- ii. Its close proximity to the settlement boundary of Urquhart, along with its inappropriate siting (as outlined above) would be detrimental to the clear distinction in place between Urquhart and its surrounding countryside, contrary to policy E9 (Settlement Boundaries).

Whilst minimal weighting is given to it, the proposal would also be contrary to the provisions of the Proposed Moray Local Development Plan 2020 (policies DP1, DP4 and EP6).

A Summary of Information Report set out the reasons for refusal, together with the documents considered or prepared by the Appointed Officer in respect of the planning application, in addition to the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

With regard to the unaccompanied site inspection carried out on 28 January 2020, the Chair stated that present members and Mr Henderson, Planning Officer were shown the site where the proposed development would take place and had before them papers which set out both the reasons for refusal and the Applicant's grounds for review.

In response to a question from the Chair as to whether the Legal and Planning Advisers had any preliminary matters to raise, both the Legal and Planning Advisers advised that they had nothing to raise at this time.

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.

Councillor Ross, having visited the site and considered the Applicant's grounds for review, stated that it was clear that the proposed development was outwith the settlement boundary and moved that the MLRB refuse the appeal as the proposal is contrary to policies H7 (Housing in the Countryside) and IMP1 (Developer Requirements), as well as the Supplementary Guidance on Housing in the Countryside. This was seconded by Councillor Alexander.

Councillor Gatt, having also visited the site and considered the Applicant's grounds for review, acknowledged that the proposal was just outwith the settlement boundary however as the proposed development was just across the road from a nearby property within the settlement boundary and wasn't within a red zone (hotspot) or on a site of great landscape value, was of the view that this would be an acceptable departure from policies H7 and IMP1 and moved, as an amendment, that the MLRB uphold the appeal and grant planning permission in respect of Planning Application 19/00825/APP. On failing to find a seconder, his motion fell.

There being no-one otherwise minded, the MLRB agreed to dismiss Case LR232 and uphold the original decision of the Appointed Officer to refuse Planning

Application 19/00825/APP as the proposal is contrary to policies H7 (Housing in the Countryside) and IMP1 (Developer Requirements), of the MLDP 2015 as well as the Supplementary Guidance on Housing in the Countryside. Furthermore, whilst minimal weighting is given to it, the proposal would also be contrary to the provision of the MLDP 2020 (policies DP1, DP4 and EP6).