

## Appeal Decision Notice

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Decision by Iain Urquhart, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2140
- Site address: The Boat Hotel, Deshar Road, Boat of Garten, PH24 3BH
- Appeal by The Boat Hotel against the decision by The Highland Council
- Application for planning permission dated 12 December 2014 refused by notice dated 5 October 2015
- The development proposed: Erection of single storey health and beauty spa facility ancillary to The Boat Hotel
- Date of site visit by Reporter: 1 February 2016

Date of appeal decision: 23 February 2016

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### Decision

I dismiss the appeal and refuse planning permission.

### Reasoning

1. The appeal proposal is for the erection of a building for use as a spa treatment facility in association with the Boat Hotel. The building accommodation would include 2 treatment rooms, a quiet room and relaxation area. A spa with hot tub and barrel sauna would be provided outside the proposed building. The single storey building would have a mono-pitched turf roof with timber clad walls incorporating panels of reconstituted stone.
2. The proposed site is currently a garden area forming part of the hotel's rear grounds. It overlooks the Boat of Garten Railway Station building and station square which forms the eastern boundary of the site. The site slopes down towards the station and is separated from the station square by a relatively steep landscaped embankment varying in height between around 1.0 metre and 2.0 metres.
3. The station building is a category 'B' listed building. Therefore, in considering whether planning permission ought to be granted for the development, I am also required to take account of section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, which imposes a duty to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.
4. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. So, having regard to the provisions of

the development plan, and any other material considerations, the main issues in this appeal are:

- the effect of the proposal, in particular its design and location, on the setting of the adjoining listed building, Boat of Garten Station, bearing in mind the provisions of section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997;
- the impact of the proposal on the amenity of the occupiers of adjacent residential properties and,
- the provision of car parking to service the development and the effect of the proposal on road safety.

5. The appeal site is covered by policies contained in the Cairngorms National Park Local Development Plan (2015). The most relevant are policy 2.2: Supporting Economic Growth (Tourism and leisure development), policy 3.1: Sustainable Design (Design statements) and policy 9:1 Cultural Heritage (National designations).

#### *The setting of the adjoining listed building*

6. The proposed building is a modern mono-pitch design with timber cladding and turf roof. The building would appear quite different to those in the immediate vicinity particularly the traditional tall, stone built hotel with its various extensions and the station buildings. I consider that the key issue is whether the design of the new building and its siting would have an adverse effect on the setting of the adjacent station, a 'B' listed building. I have less concern about the visual impact of the proposal on the existing hotel building which has been extended in the past in a rather insensitive manner to create a bedroom annex and a large breakfast room.

7. The proposed building would be sited close to the top of the hotel garden embankment. It would face into the station square opposite the main station building entrance at a distance of around 16 metres from the station building. The front elevation would be over 3.5 metres in height. I accept that the new building would be cut into the sloping site and existing ground levels lowered to create a level building platform. However, site levels at the front of the building facing the station would remain largely the same as existing levels. I am concerned that the height of the proposed building, particularly on its front elevation, combined with its location on the edge of a small but steep embankment, would create a very prominent feature above the station square. It would impact adversely on the small scale architectural setting of the group of buildings around this square.

8. I find that the building's prominence would be accentuated by the rather austere and functional appearance of the front elevation which would be predominantly dark timber cladding with 3 double full height windows. Although the building picks up some of the materials and colours from surrounding buildings, including the use of slatted timber and stone facings, it lacks any architectural detail or interest that would soften its appearance and help integrate it with the traditional buildings nearby.

9. I note that the Historic Environment Scotland (formerly Historic Scotland) listing states that Boat of Garten Station is a fine example of a restored railway station in the Scottish

Highlands and the timber clad and stone buildings form a fine group with the interest of the setting increased by the adjoining rolling yard and various salvaged railway components on the site. The listing schedule includes the single storey station building which is well maintained with timber weatherboarding painted in cream and brown. The adjoining station master's house together with 2 signal boxes and the railway bridge are all part of the listing schedule.

10. A range of improvement works have recently been carried out at the station with the assistance of public funds. These works include the installation of a reproduction railway carriage, interpretation boards, a horse and cart sculpture and metal plaques set in the road surface to chart local history. The station square provides an attractive arrival and departure point for the Strathspey Railway. In this context, I consider that the new spa building would be visually dominant and overbearing and would detract from the more intimate layout and appearance of the listed station buildings and square and diminish their collective character and setting.

11. I understand the need to maximise the distance between the proposed building and the existing hotel annex to retain the amenity and outlook from this accommodation. However, as a result, the proposed building would be positioned too close to the embankment edge and so would create the difficulties described above. A smaller, lower building set further back from the top of the garden slope might not present the same problems but, as this is a detailed proposal, it is not appropriate for me to consider this option.

12. A number of representations have raised the prospect of disruption to the recently improved station square because it may be used by construction traffic if the appeal proposal were to proceed. However, it appears that the appellant does not have any access or other rights over the square or forecourt area. Therefore, the owners of the square have control of this situation and it would be a matter entirely for them to decide if access were to be afforded to the appellant and under what conditions this might be agreed. As the station square and its environs are privately owned, lie beyond the appeal site boundary and are outwith the control of the appellant, then the issue of disruption is not a matter on which I need to form a view as part of this appeal.

13. The proposal supports economic growth through upgrading of tourism and leisure facilities and in this respect it meets the requirements of policy 2:2 of the Cairngorms National Park Local Development Plan. However, this policy also requires a development to have acceptable amenity and environmental impacts. For all the reasons set out above, it fails to meet this test. Equally, it fails the more specific tests of plan policies 3:1 and 9.1 because it is not sympathetic to the traditional pattern and character of the surrounding buildings and area, and it would have an adverse effect on the setting of a category 'B' listed building.

#### *The impact of the proposal on residential amenity*

14. Several houses on Kinchurdy Court border the southern boundary of the appeal site. The proposal involves construction of a semi-enclosed hot tub and barrel sauna which would sit outside the southern wall of the proposed spa building around 10.3 metres from

the boundary fence. I note that the two closest houses have little rear garden and amenity space and there are a limited number of windows facing the appeal site.

15. In these circumstances, I do not consider that there would be any significant or adverse impacts on the occupiers of these houses through the operation of the proposed spa building and its outdoor facilities. I would be content to cover amenity, lighting, noise and disturbance matters in the same way as originally proposed by the council's Planning Officer through imposition of appropriately worded conditions if planning permission were to be granted.

#### *Car parking provision and road safety*

16. The existing hotel has two separate car parking areas and it is not proposed to increase the number of spaces as part of the appeal proposal. The hotel has 34 bedrooms and there are 28 car parking spaces available on site. The proposed spa will have two treatment rooms for use by two customers at a time whilst the hot tub can accommodate up to 6 people. The appellant proposes that the spa would be reserved for guest use in the evening.

17. It is clear that there is insufficient space within the site to provide additional car parking. I understand that the council and the appellant discussed the possibility of an additional 4 spaces being made available at a property 'Melville' used for staff accommodation opposite the appeal site. However, this property does not form part of the appeal site and so it would be inappropriate for additional car parking there to be subject of a planning condition.

18. I agree with the council that limiting demand for car parking by restricting the times during which the spa would be open to the public, as opposed to guest use, would not be appropriate as it would be difficult to enforce. The appellant states that the proposed spa facilities will only be open to non-residents during the day to avoid the car park being overcapacity. This would assume that residents leave the hotel all day with their car and this may not always be the case. Nevertheless, attaching a planning condition to restrict use of the spa by non residents to morning and/or afternoon use would again fail the test of enforceability.

19. I am not convinced by the evidence submitted that on-street and off-street parking in and around the hotel is so constrained that the lack of additional spaces as part of the appeal proposal is a major issue that would compromise road safety. I consider it would be unreasonable to fetter the commercial operation of the spa by imposing user restrictions and, in any event, I have concerns about the enforceability of such restrictions. If planning permission were to be granted for the proposal, and on street parking issues were to emerge, then the council would have powers under the Roads (Scotland) Acts to promote appropriate traffic regulation orders.

#### *Conclusions*

20. The proposal would support economic growth and the important tourism and leisure industry in the local area. However, these benefits would be outweighed by its adverse visual and amenity effect on the setting of the adjoining category B listed building, Boat of

Garten Station. The height of the proposed building and its position on an embankment above the Station square would create a feature that would be visually dominant and overbearing and would detract from the character, appearance and setting of the listed station buildings and square.

21. I am satisfied that the proposal would not have any significant adverse impacts on residential amenity. Any issues relating to noise, lighting and disturbance could be addressed through conditions if planning permission were to be granted. I do not consider the absence of additional car parking to be a significant problem in light of road conditions in the vicinity of the appeal site and certainly not one that would justify the refusal of planning permission.

22 This proposal's adverse impact on the setting of a listed building is a significant issue and so, for the reasons set out above, I conclude that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

*I G W Urquhart*  
Reporter