

Agenda Item	6.3
Report No	PLS-62-22

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 18 August 2022
Report Title: 22/00376/FUL: Mr Stephen Chalmers
Tigh an Each, Balgowan, Newtonmore
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Use of the site as a campervan aire (5 pitches)
Ward: 20 – Badenoch and Strathspey
Development category: Local
Reason referred to Committee: 5 or more objections

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought in retrospect for the use of land as a campervan aire consisting of 5 pitches on an area of to the rear of Tigh an Each, Balgowan, Newtonmore. The ancillary works carried out to facilitate the use include ground remodelling, extension of access road, construction of a hardstanding, erection of fencing, and the provision of services. This planning application is related to two other planning applications – 22/00616/FUL for the erection of a stable block and 22/00644/FUL for the installation of foul drainage treatment plant and outfall, which are being determined concurrently with this proposal and are the subject of separate reports.
- 1.2 The site is located in Balgowan, a small community of dispersed houses that lie either side of Balgown Road; a single-track elevated road that has an east and west junction with the A86 Trunk Road and which are located just under 900 metres apart. Balgown Road sweeps north of the A86 and at its furthest point is approximately 275 metres from the Trunk Road. The intervening land is grazing land that gently rises to the north and with some small pockets of woodland adjacent to the A86.
- 1.3 Access to the site is from the existing access serving the dwellinghouse Tigh an Each from the south side of Balgown Road. Refuse bins are provided for waste and recycling and effluent is disposed of into an existing septic tank although the applicant is seeking to upgrade the waste drainage facilities through the related application referred to in paragraph 1.1 above.
- 1.4 Pre-Application Consultation: Not required.
- 1.5 Supporting Information: The following information has been submitted in support of the application:
- Design Statement
- 1.5 Variations: None.

2. SITE DESCRIPTION

- 2.1 The site is part of a wider land holding that consists of the dwellinghouse Tigh an Each which also operates as a B&B; 4 holiday pods; a stable block; and grazing land. The land extends from Balgown Road to the north down to the A86 to the south. The holding covers an area approximately 1.57 hectares in size and the proposed site is located on the southern section of the holding and north of the grazing land that extends down to the A86. The application site itself, which includes both the access track at its junction with the public road access as well as the area for the campervan pitches, measures approximately 0.21 hectares.
- 2.2 Immediately to the east is the recently constructed stable block subject to one of the applications referred to in paragraph 1.1 above. To the south is the remaining grazing land associated with the wider site. The land north of the pitches is used for equestrian activities, and to the west is open grazing land.

2.3 The nearest neighbouring property is Balgowan House which lies to the east of the site. At its closet point it is approximately 11 metres from the wider site boundary and approximately 45 metres from the nearest campervan pitch. This reduces to approximately 31 metres from the southwest corner of the curtilage of the house.

3. PLANNING HISTORY (RELEVANT TO THIS APPLICATION)

3.1	18.09.2007	07/00182/FULBS - Erection of house and garage; construction of private equestrian sand school	Planning Permission Granted
3.2	10.03.2008	07/00335/FULBS - Set aside condition 5 of planning approval 07/182/FULBS	Planning Permission Granted
3.3	25.05.2009	09/00078/FULBS - Use of land for siting of 5 towable field shelters on a rotational basis	Planning Permission Granted
3.4	10.03.2017	16/04433/FUL - Change of use of land for the siting of 8 timber pods to provide accommodation primarily for walkers and cyclists	Planning Permission Granted
3.5	14.03.2017	17/00051/FUL - Change of land use from croftland to leisure to allow the siting of 4 timber pods (amended proposal 16/4433/FUL)	Planning Permission Granted
3.6	02.03.2022	18/03551/FUL - Siting of a static caravan (retrospective)	Planning Permission Granted
3.7	26.04.2021	20/05138/FUL – Erection of house	Planning Permission Granted
3.8		22/00616/FUL - Erection of stable block (retrospective)	Pending
3.9		22/00644/FUL - Installation of foul drainage treatment plant and outfall	Pending

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour/Schedule 3 Development
Date Advertised: 10.02.2022
Representation deadline: 27.02.2022

Objectors

Timeous representations: 35

Late representations: 2

Supporters

Timeous representations: 19

Late representations: 1

Neutral

Timeous representations: 1

Late representations: 0

4.2 Material considerations raised are summarised as follows:

Objectors

- a) Development is contrary to Development Plan;
- b) Commercial use in a residential area
- c) Noise nuisance emanating from use;
- d) Lack of appropriate drainage and long-term negative impacts on river;
- e) Increased traffic generation from use;
- f) Overdevelopment of site;
- g) Adverse impact on landscape;
- h) A caravan park should never be permitted retrospectively within a national park;
- i) Existing site lighting is causing light pollution; and
- j) Adverse impact on private water supply.

Supporters

- a) The campervan site has been well constructed and with a limit of 5 motorhomes the use will have a negligible impact on traffic;
- b) The site is clean and well maintained and provides important facilities for tourism in the area;
- c) The use of the land benefits the local economy; and
- d) Campervan sites such as this help discourage 'wild camping' and the associated environmental problems that often arise from such activities.

Neutral

- a) There is currently a loss of amenity due to light spillage from the site, however this could be adequately addressed by repositioning and directing light into the site only, with appropriate shades as necessary to preserve the dark sky.

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

5.1 **Laggan Community Council:** The community council welcomes the fact that the applicant has sought planning permission to retain this facility, allowing the local community to be consulted and comment. It is acknowledged that the provision of such a campervan aire may help alleviate concerns of inappropriate campervan activity in the wider area. There is concern expressed at the overall environmental impact of the development. From this application, it is not clear how all of the site's water, drainage and waste management is to be handled but we note submission of a related application for drainage works. There is also concern about the wider impact on private water supplies. Other concerns relate to ongoing visitor traffic on the one lane public road with few passing places, and from noise and light pollution. The Community Council's position on the application is however neutral.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Cairngorms National Park Local Development Plan 2021

- 2 – Supporting Economic Growth
- 3 – Design and Placemaking
- 4 – Natural Heritage
- 5 – Landscape
- 10 – Resources

6.2 Cairngorms National Park Planning Guidance

- Supporting Economic Growth (non-statutory guidance)
- Design and Placemaking (non-statutory guidance)
- Natural Heritage (non-statutory guidance)
- Landscape (non-statutory guidance)
- Resources (non-statutory guidance)

7. OTHER MATERIAL CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (Revised 2020)

8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

- 8.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy
 - b) Site layout and design
 - c) Impact on environment, community and residential amenity
 - d) Impact on infrastructure and services and proposed mitigation (developer contributions)
 - e) any other material considerations.

Development plan/other planning policy

- 8.4 The site lies within the small settlement of Balgowan which is within and to the northeast of the Ben Alder, Laggan and Glen Banchor Special Landscape Area. It also forms part of the Upper Spey Farmlands – Laggan Strath, Landscape Character Area as defined by Cairngorms National Park Authority.
- 8.5 Development Plan policy is supportive of proposals where they conserve or enhance the landscape character and special landscape qualities of the Cairngorms National Park. In relation to tourism development, the Development Plan is supportive of proposals which have no adverse environmental or amenity impacts on the site or neighbouring areas and contribute to or support the provision of a wide range of visitor accommodation options and support or contribute to a year-round economy.
- 8.6 Subject to the proposal having no significant detrimental impact on the landscape, the environment in general, or community and residential amenity, the proposal; would comply with the Development Plan.

Site layout and design

- 8.7 The campervan aire is located on the southern edge of the site at its lowest part sloping down from the local public road access, off an extended single track hardcore road with 1 metre high fencing either side. The aire is elevated several metres above the A86 Trunk Road that lies approximately 70 metres to the south over an area of grazing land. The five serviced pitches are set out on a level

gravel surface and separated with grass strips.

- 8.8 The pitches area is rectangular in form and measures approximately 58 metres at its widest point and 28 metres in depth. It is enclosed with a mix of closeboard, post and wire, and ranch style fencing.
- 8.9 When viewed within the site itself it is evidently well laid out and designed, providing a clean and attractive area for parking.

Impact on environment, community and residential amenity

- 8.10 As referenced in paragraph 8.4 above the site lies within the Ben Alder, Laggan and Glen Banchor Special Landscape Area (SLA) and forms part of the Upper Spey Farmlands – Laggan Strath, Landscape Character Area (LCA) as defined by Cairngorms National Park Authority.
- 8.11 In 2011 the Council published, in partnership with Scottish Natural Heritage a report titled ‘Assessment of Highland Special Landscape Areas’. The overview for the Ben Alder, Laggan and Glen Banchor SLA notes that it is located at the heart of the Central Highlands where it combines a series of attractive, predominantly wooded glens interspersed with small-scale farmlands, and rising to moorland that leads to distinctive craggy summits and mountain plateaux which are of picturesque quality. Traditional estate farmsteads, cottages, castles and gatehouses occur throughout the glens and enrich the sense of history within the area.
- 8.12 Cairngorms National Park Authority’s landscape toolkit informs users that within the Upper Spey Farmlands – Laggan Strath the area of Balgowan has a settlement pattern formed by a close sequence of individual farms and linear fields extending down across the strath. Buildings are kept off the better land but close to the road, reinforcing the edge between free draining cultivatable land and rough grazing. The public roads are elevated above the strath floor, often located at a break in slope between high terraces along the lower edge of the hills.
- 8.13 The Development Plan advises that it does not seek to keep landscapes unchanged; rather that new development conserves and enhances the distinctive characteristics that are valued as landscapes evolve.
- 8.14 This proposal is for a small-scale development consisting of 5 campervan pitches lying to the south, and below but adjacent to the existing established properties that define the built character of Balgowan. It is located close to the Strath floor and visual impact is limited to the immediate locality. Consequently, it is considered that the proposal will not have an adverse impact on the wider landscape characteristics that define the SLA or LCA.
- 8.15 In terms of impact on community and residential amenity, it is recognised that the proposal contributes to a number of incremental changes that have taken place on the land at Tigh An Each over a period of time dating from circa 2008 when the house was constructed. It is also recognised that this impact will have been more obvious for occupiers of adjacent neighbouring properties.

- 8.16 The use of the site as a campervan aire has introduced a change to the character of the area and it is recognised that unless effectively managed and controlled there is the potential for the use to have an adverse impact on the established character and amenity of the area. This could manifest in a variety of forms and include noise associated with vehicle movements and visitors; and adverse visual impact. Light pollution and glare from the site has already been highlighted as a concern from the representations received. Nevertheless, it is considered that with appropriately worded planning conditions any undesirable impacts arising from the development could be made acceptable enabling the proposal to be supported.

Impact on infrastructure and services and proposed mitigation (developer contributions)

- 8.17 Concerns have been raised about the impact of the development on the existing roads infrastructure, particularly given that Balgown Road is a single width carriageway with limited passing places. However, the permission being sought through this application is for the provision of 5 pitches for use by caravans or motorhomes/campervans and this would be the maximum that would be permitted on the site at any one time. Arrivals and departures from the site would be staggered. In addition, the use of the site would be seasonal, operating between April and October inclusive. Consequently, whilst there will be some increase in vehicular traffic using the public road, this impact is likely to be very limited and would therefore not justify requiring the applicant to make any road infrastructure improvements.
- 8.18 Concerns have also been raised about the impact on water and drainage. The applicant has advised that the site has its own private water supply. There is no evidence to suggest that this has had any adverse impact on water supplies to other properties in the area.
- 8.19 The drainage issues raised include concerns over the capacity of the existing system and alleged foul drainage discharges to a nearby watercourse. The applicant has advised that all on-site generated foul drainage is treated via an existing septic tank, however there are proposals for a new drainage system as referenced earlier in this report. Any issue associated with discharge to a watercourse is a matter for SEPA to investigate.

Other material considerations

- 8.20 It is worth noting that permitted development rights exist for the use of land as a caravan site. Class 16 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) sets out the circumstances under which land may operate as a caravan site with the benefit of a deemed planning permission. Of particular relevance to this application is the provision that enables land to be used for no more than 5 caravans, provided the site has approval from an exempted organisation (for example the Caravan and Motorhome Club). The permitted development rights only permit the use of the land and do not extend to cover other operational development such as the creation of new areas of hardstanding or the installation of related infrastructure.

- 8.21 In this case the applicant did previously hold a certificate from an exempted organisation, but this was withdrawn once it was established that the use included other development bringing it under planning control.
- 8.22 Several objectors have stated that retrospective planning permission should not be permitted within a national park. Section 33 of the Town and Country Planning (Scotland) Act 1997 (as amended) (1997 Act) specifically enables planning permission to be granted for development already carried out regardless of its location. It has also been commented that enforcement action should have been taken when the breach of planning control was first brought to the Council's attention. Enforcement action is a discretionary power available to the Planning Authority under the 1997 Act to remedy any breach of planning control. However, national and local guidance on the use of enforcement powers is clear that the purpose of enforcement is not to punish persons that have carried out unauthorised development but rather remedy any undesirable effects that arise from it. In this case the submission of a planning application has enabled the Council to consider the use and operations that have taken place in accordance with the Development Plan and the conclusion reached is that any undesirable effects arising from the use can be effectively controlled through the use of planning conditions.

Non-material considerations

- 8.23 There are no non-material considerations relevant to this proposal.

Matters to be secured by Section 75 Agreement

- 8.24 None.

9. CONCLUSION

- 9.1 Planning permission is sought in retrospect for the use of land as a campervan aire consisting of 5 pitches on an area to the rear of Tigh An Each, Balgown, Newtonmore. The ancillary works carried out to facilitate the use included ground remodelling, extension of access road, construction of a hardstanding, erection of fencing, and the provision of services.
- 9.2 The site is located within a regionally important SLA, noted for its series of attractive, predominantly wooded glens interspersed with small-scale farmlands, and rising moorland. The campervan aire is located to the south of, but adjacent to, the existing established built development located along Balgown Road and in that context, it is considered to fit within the local landscape and does not in any way detract from the important and valued landscape features of the wider area.
- 9.3 The development has been carried out to a high standard and has created an attractive and well laid out area for no more than 5 campervans or motorhomes. Nevertheless, the development has altered the character of the area with the impact being more obvious for those residing in close proximity to the site. It is considered that this impact could be lessened by the introduction of sensitive landscaping works in and around the site which would mitigate any undesirable

local visual impact. In addition, any adverse impacts arising from lighting on the site could be eliminated through approval and implementation of a lighting schedule. Concerns over the impact of the use on community and residential amenity could be mitigated through an approved operational management plan. These are all matters that could be effectively controlled through planning condition, should Members be minded to grant planning permission for this proposal.

9.4 Subject to appropriate planning conditions as set out at the end of this report, the continued use of the site will provide a valuable stop over facility for tourists and benefit the local economy.

9.5 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: Not applicable

10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued

Notification to Scottish Ministers N

Conclusion of Section 75
Obligation N

Revocation of previous
permission N

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons

1. Within 3 months of the date of this planning permission an Operational Management Plan shall be submitted for approval in writing by the Planning Authority. The Operational Management Plan shall set out measures to be taken by the site owner/operator to control vehicular movement in to and out of the site, including specifically check in and check out arrangements. In

addition, the Operational Management Plan shall set out all reasonable measures to be taken by the owner/operator to mitigate the potential for noise disturbance to neighbouring properties. Following approval, the Operational Management Plan shall be implemented in full unless otherwise agreed in writing by the Planning Authority.

Reason: In order to ensure that the use is compatible with surrounding residential uses, in the interests of amenity.

2. Within 3 months of the date of this planning permission full details of all external lighting to be used within the site and/or along its boundaries and/or access shall be submitted to, and approved in writing by, the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary. The submission must also include seasonal hours of operation. Thereafter only the approved lighting scheme shall be operated.

Reason: To ensure that the external lighting scheme as approved does not have the potential to adversely affect the amenity of surrounding neighbouring properties and occupants.

3. Within 3 months of the date of this planning permission a scheme of hard and soft landscaping works shall be submitted for approval in writing by the Planning Authority. Details of the scheme shall include:
 - i. A plan showing existing landscaping features and vegetation to be retained;
 - ii. The location and design, including materials, of any existing or proposed walls, fences and gates;
 - iii. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
 - iv. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

4. For the avoidance of doubt planning permission is hereby granted for a maximum of 5 pitches only and no more than 5 caravans, campervans, or motorhomes shall be permitted on the site at any one time.

Reason: To clarify the terms of this planning permission and ensure that the site is operated in accordance with the approved details.

5. The caravan/motorhome site shall only operate between 01 March and 31 October in any year and shall not be permitted for use for winter storage.

Reason: To clarify the terms of this permission and in the interests of amenity.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

INFORMATIVES

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks & Soakaways

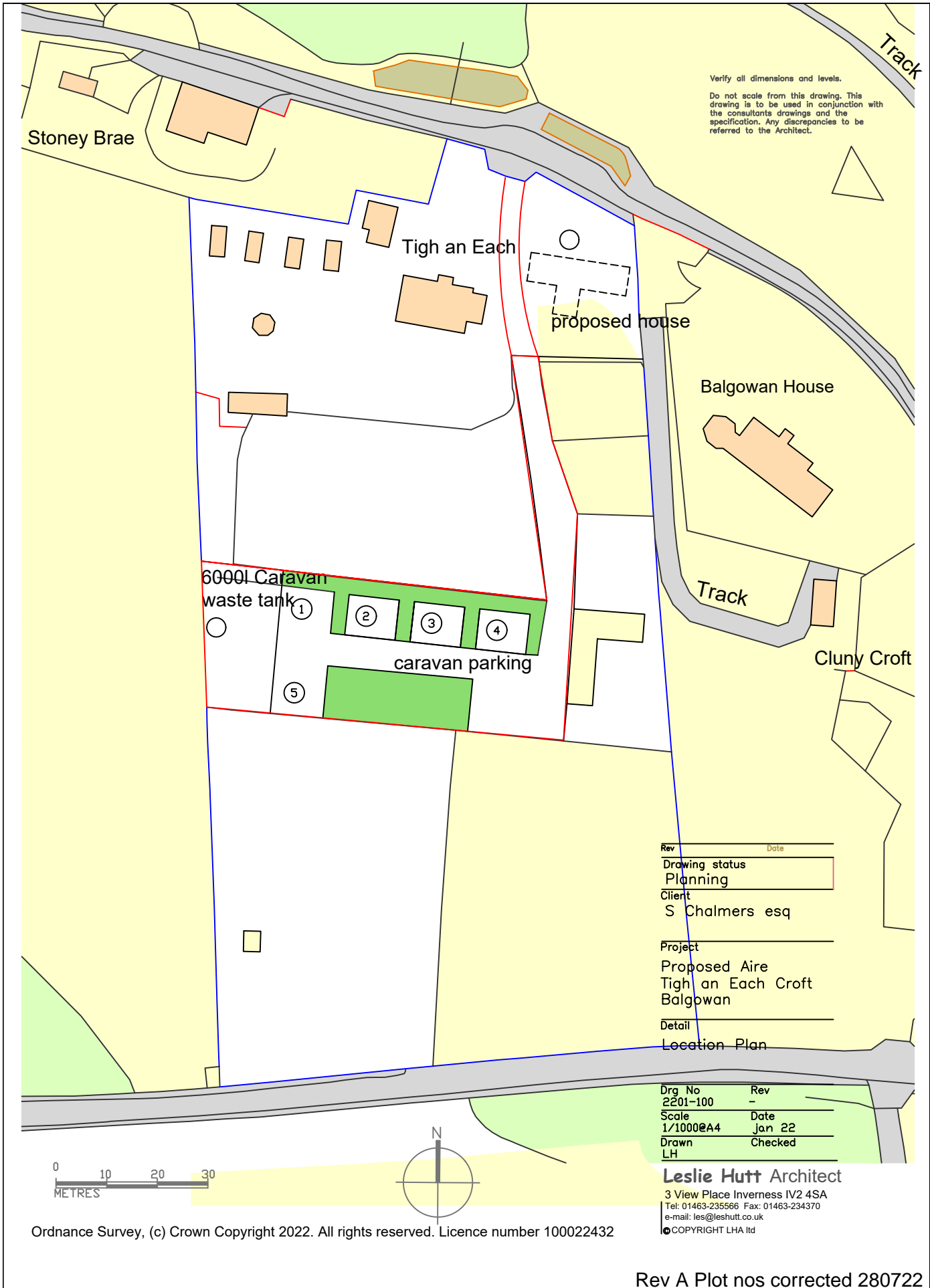
Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Signature: David Mudie
Designation: Area Planning Manager – South
Author: John Kelly
Background Papers: Documents referred to in report and in case file.

Relevant Plans:

Plan 1 – Location Plan (2201-100)

Plan 2 – Proposed Site Layout Plan (2201-101)



Verify all dimensions and levels.
 Do not scale from this drawing. This drawing is to be used in conjunction with the consultants drawings and the specification. Any discrepancies to be referred to the Architect.

Rev	Date
Drawing status	
Planning	
Client	
S Chalmers esq	
Project	
Proposed Aire	
Tigh an Each Croft	
Balgowan	
Detail	
Location Plan	
Drg No	Rev
2201-100	-
Scale	Date
1/1000@A4	Jan 22
Drawn	Checked
LH	

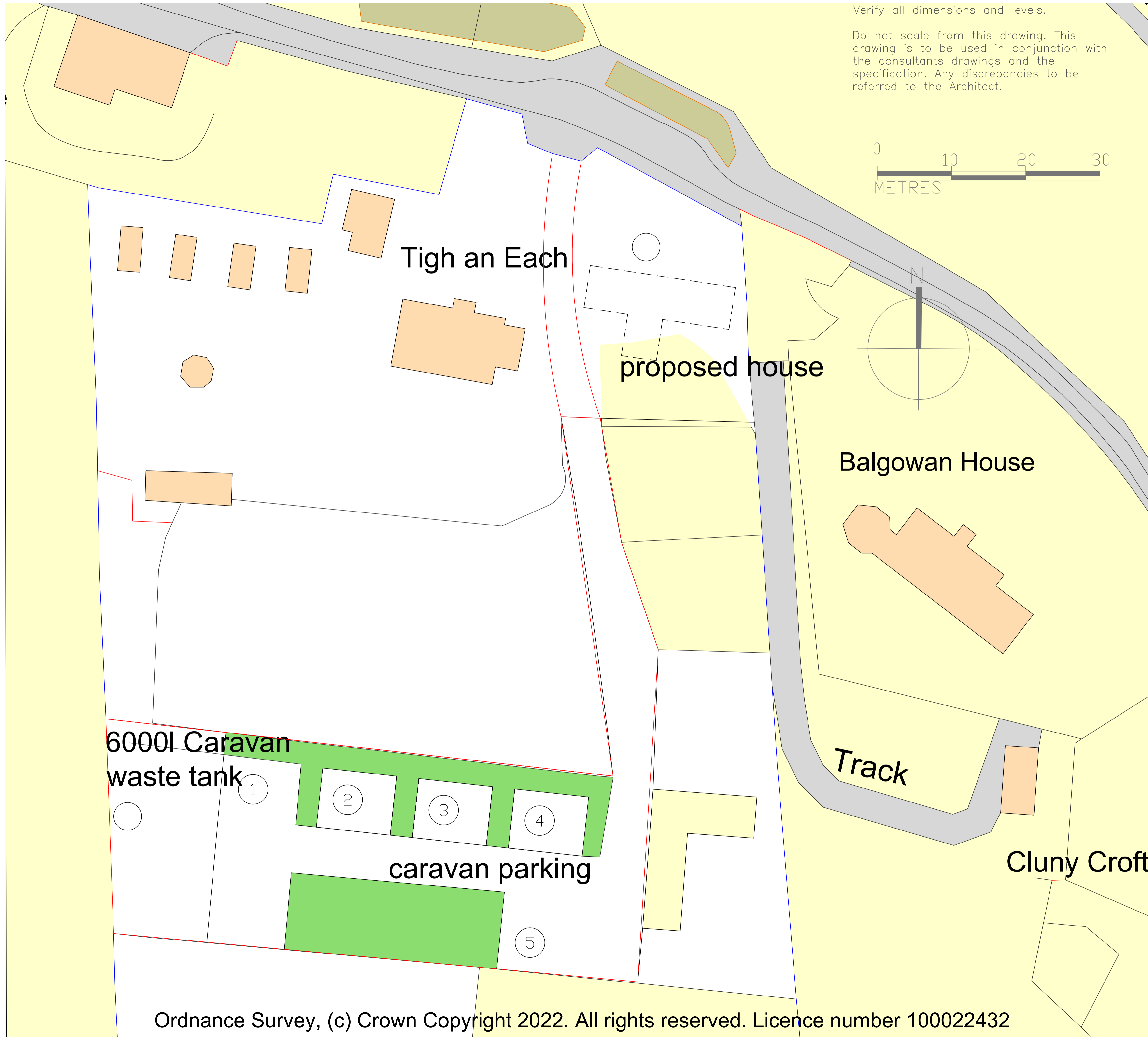
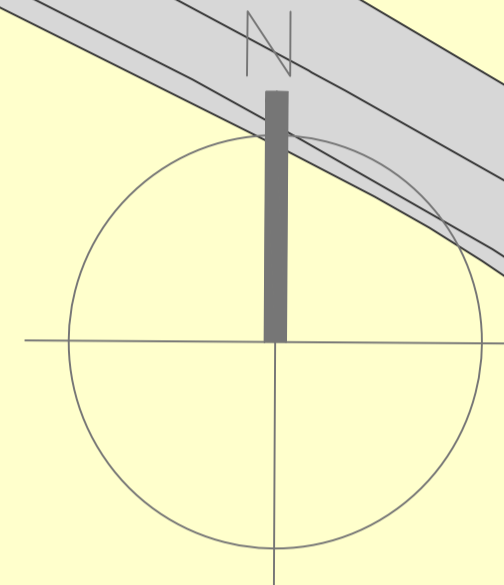
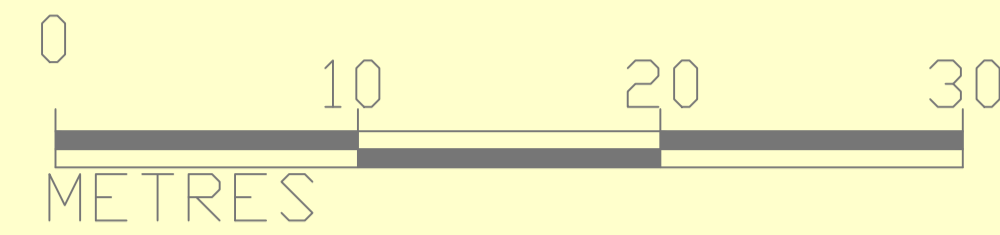
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Rev A Plot nos corrected 280722

Verify all dimensions and levels.

Do not scale from this drawing. This drawing is to be used in conjunction with the consultants drawings and the specification. Any discrepancies to be referred to the Architect.



Rev	Date
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Drawing status	Planning
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Client
S Chalmers esq

Project
Proposed Aire
Tigh an Each Croft
Balgowan

Detail
Plan as proposed

Drg No	Rev
2201-101	

Scale	Date
1/250@A1	Jan 22

Drawn	Checked
LH	

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