

Agenda Item	6.4
Report No	PLS-47-24

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 20 August 2024

**Report Title:** 24/01309/FUL: Mrs Diana Saunders  
9 Creag A Ghreusaiche, Aviemore, PH22 1LD

**Report By:** Area Planning Manager – South

### Purpose/Executive Summary

**Description:** Use of property as short term holiday letting unit

**Ward:** 20 – Badenoch and Strathspey

**Development category:** Local

**Reason referred to Committee:** Community Council objection

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 for the use of an existing dwellinghouse as a short term let. The site is an existing residential property in a cul-de-sac within the wider Dalnabay area of Aviemore. The property has 3No. bedrooms and is currently used as a second home.
- 1.2 No physical alterations to the property are proposed as part of this application.
- 1.3 Pre-Application Consultation: None
- 1.4 Supporting Information: Photographs, confirmation that the driveway leading up to the shed is 21m, and that the applicant has parked 4No. cars in the drive on previous occasions.
- 1.5 Variations: None

## **2. SITE DESCRIPTION**

- 2.1 The site is a single storey, detached, 3 bedroomed dwellinghouse set within the cul-de-sac of Creag A Ghreusaiche. This development, while residential, is characterised by a mixture of permanently occupied homes, second homes and holiday rentals.

## **3. PLANNING HISTORY**

- 3.1 None

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised: Schedule 3

Date Advertised: 16.05.2024

Representation deadline: 30.05.2024

Timeous representations: 4 representations from 4 households

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:

- a) Parking, both the capacity of the driveway to accommodate the stated no of vehicles, as well as highlighting wider parking issues within the street.
- b) Danger to pedestrians
- c) Noise and disruption
- d) Waste storage and collection

- 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](http://www.wam.highland.gov.uk/wam).

## **5. CONSULTATIONS**

- 5.1 **Cairngorms National Park Authority:** Declined to 'Call In' application
- 5.2 **Aviemore and Vicinity Community Council:** Object. It comments: "In May 2024 Aviemore & Vicinity Community Council agreed we would object to all new applications for short term lets within the community council boundary in line with our support for the short term let control zone. We feel that the need for accommodation for people to live and work permanently in our community greatly outstrips the need for further holiday accommodation, which the local economy cannot currently adequately support. In addition, we note the concerns raised by neighbours, particularly in relation to car parking, and to the potential for anti-social behaviour and disturbance."

## **6. DEVELOPMENT PLAN POLICY**

### **6.1 National Planning Framework 4 (2023) (NPF4)**

Policy 1 - Tackling the Climate and Nature Crises  
Policy 2 - Climate Mitigation and Adaptation  
Policy 3 - Biodiversity  
Policy 14 - Design Quality and Place  
Policy 15 - Local Living and 20 Minute Neighbourhoods  
Policy 30 - Tourism

### **6.2 Cairngorms National Park Local Development Plan (2021) (CNPLDP)**

3 – Design and Placemaking

### **6.3 Cairngorms National Park Guidance**

3 – Sustainable Design, Non-statutory Guidance

## **7. OTHER MATERIAL POLICY CONSIDERATIONS**

### **Scottish Government guidance and advice**

- 7.1 Planning circular 1/2023: short-term lets and planning

### **The Highland Council guidance and advice**

- 7.2 Highland Council Non-Statutory Short-Term Let Control Area Planning Policy (2023)  
Highland Council Access to Single Houses and Small Housing Developments  
Highland Council Road guidelines for new developments

## **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) impact of loss of residential use
  - c) impact on the amenity and character of the area
  - d) any other material considerations

## **Development plan/other planning policy**

- 8.4 Planning permission is sought for the change of use of an existing residential dwellinghouse to a short-term let. The property had not been utilised as a short term let prior to the establishment of Ward 20 as a short term let control area (STLCA) and therefore the change is deemed to be material.
- 8.5 The Cairngorms National Park Local Development Plan (CNPLDP) has policies that support tourism development, including provision of tourist accommodation, but does not have a specific policy on the use of existing residential buildings for short term lets. The principal policy that this proposal must be considered against is therefore NPF4 Policy 30.
- 8.6 NPF4 Policy 30 e) Tourism sets out that for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:
- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
  - ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.
- 8.7 The Council's Non-Statutory Short-term Lets within a Control Area Planning Policy was introduced in 2023. It does not form part of the development plan but is a material consideration in the determination of applications for this type of use.
- 8.8 This states that, within a Control Area, the Council will support the use of an existing dwellinghouse as a short-term let that falls within one of the following categories:
1. It is a long-term empty dwellinghouse that will be brought back into active use. Supporting evidence will be required to be submitted to demonstrate this.
  2. The dwellinghouse is located above a commercial unit within a City, Town or Village centre.
  3. The dwellinghouse has no fewer than four bedrooms, as it existed at the date of the establishment of the Control Area or, if constructed after the designation of the Control Area, as originally built.

- 8.9 In this instance the proposal does not accord with any of these categories. However, it would bring a second home into a more active economic use and by doing so would potentially limit the time it would otherwise sit empty. On this basis, providing that the proposal would not lead to an unacceptable impact on local amenity or the character of a neighbourhood or area it could be considered to comply with the development plan.

#### **Impact of loss of residential use**

- 8.10 While the proposal would result in a change from residential to short term let, the property is currently in use as a second home. The change to short term let could be considered to support the local economy beyond its current use.

#### **Impact on the amenity and character of the area**

- 8.11 This part of Aviemore is residential in character albeit interspersed with holiday lets and has several second homes. The immediate area comprises largely individual residential properties. The property will not be altered and is considered to remain of a scale that is unlikely to result in any unacceptable change to the characteristics of the area.
- 8.12 Representations refer to the capacity of the property to accommodate 4No. cars as stated in the application, as well as wider issues with parking in the street more generally. The Council's standard for a 3 bedroomed house is 2No. parking spaces. Furthermore, the requirement for 2No. stacked spaces is 11m depth, the driveway not including the shed is 21m. Accordingly, the parking within the property is considered to be sufficient for the scale of property and use. It should however be noted that there are no parking restrictions on the street.
- 8.13 The street is a shared surface between vehicles and pedestrians, as is typical of modern 'home zone' type development. It is not considered that these existing arrangements will have any different or significant impact on pedestrian safety with regards to the use of the property as a short term let.
- 8.14 The property has appropriate space for the storage and collection of waste. The arrangements for its removal are for the operator to arrange – either with the Council through bin uplift or by private contractor.
- 8.15 Any noise and disruption from the property would be a matter for the Environmental Health to assess as a potential statutory noise nuisance. Any anti-social behaviour would be a matter for Police Scotland. Continued disruptive and or anti-social behaviour associated with a short term let property may impact on its continued operation when a license is considered for renewal.
- 8.16 It is considered that the property, if effectively managed under the license arrangements, will not result in any substantial change to the character of the area or have an unacceptable impact on the amenity of the neighbourhood.

### **Other material considerations**

8.17 There are no other material considerations.

### **Non-material considerations**

8.18 None

### **Matters to be secured by Legal Agreement / Upfront Payment**

8.19 None

## **9. CONCLUSION**

9.1 Planning permission is sought for the use of an existing dwellinghouse as a short term let.

9.2 The area is characterised by a mixture of residential, second homes and short term lets. The proposed change from second home to short term let is not considered to materially affect the character of the area.

9.3 It is considered that the use of the house as a short term let may result in an increase in activity beyond that of a second home. However, it would not likely exceed that of a house, albeit with different occupants, and accordingly would not result in any greater impact on the amenity of the area.

9.4 While the proposal would result in the loss of a second home the proposal is not considered to have an unacceptable impact on the character or amenity of the area and therefore complies with NPF4 Policy 30 e) i (Tourism). Furthermore, the change to short term let would support the local economy beyond the current use.

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** N

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. The development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

**Reason:** In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

### 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

#### Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

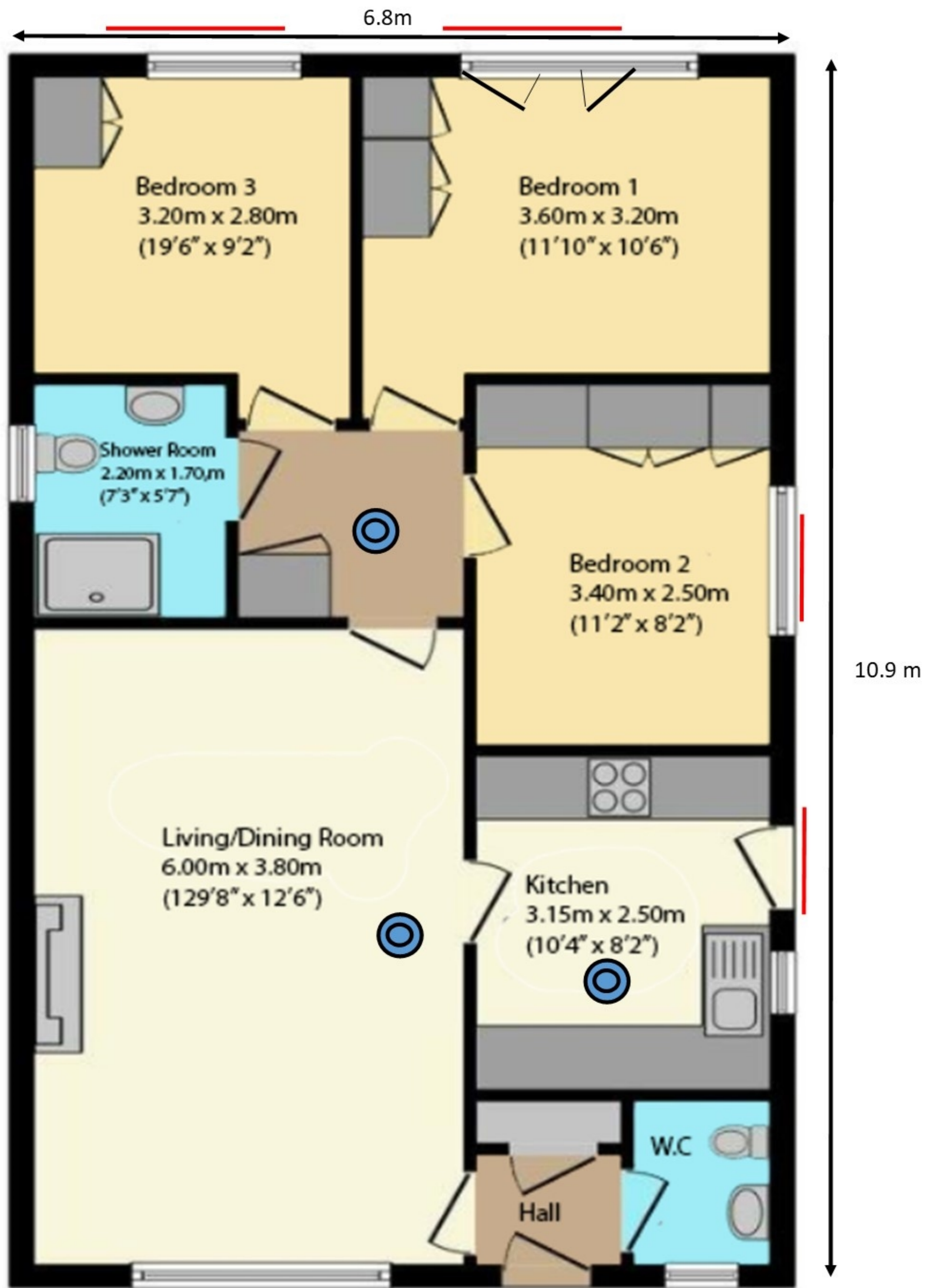
Copies of the notices referred to are attached to this decision notice for your convenience.

Signature: David Mudie  
Designation: Area Planning Manager – South  
Author: Jennifer Mair  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - 000001 Location Plan  
Plan 2 - 000002 REV B Floor Plan  
Plan 3 - 000004 Site Layout Plan





The property will remain unchanged both internally and externally. The property has its own driveway with space for four medium sized cars.



Total floor area 72.8m<sup>2</sup> (784 sq.ft.) approx.

— - Fire escape routes (Windows can be fully opened to allow escape.  
There are doors at the front, side and rear of the bungalow

⊙ - Smoke and heat detectors (RFID linked). Heat detector  
is located in the kitchen.

**Scale 1:50**      1 meter

Scale 1:200 North ↑

CREAG A GHI CRA

Space for 4 cars

