

Agenda Item	6.5
Report No	PLS-48-24

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 20 August 2024
Report Title: 23/05049/FUL: Ms Lynn Sutherland
Ivy House, 91 High Street, Kingussie, PH21 1HX
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Use of property as short-term letting unit

Ward: 20 – Badenoch and Strathspey

Development category: Local Development

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 material change of use of a property known as Ivy House at 91 High Street, Kingussie to provide short-term let accommodation.
- 1.2 No physical alterations to the property are proposed and the development will utilise existing servicing, including existing parking to the rear of the property.
- 1.3 Pre-Application Consultation: None
- 1.4 Supporting Information: Photographs
- 1.5 Variations: None

2. SITE DESCRIPTION

- 2.1 The site is a 2.5 storey mid-terrace dwellinghouse situated on the north side of Kingussie High Street consisting of 5No bedrooms set over 3No floors. The property benefits from a small front garden and a rear garden and parking area that can accommodate up to 3No cars accessed via Johnathan's Brae.
- 2.2 The property lies to the eastern end of the High Street, on the north side of the street. While the surrounding area is more residential in character, the house (but not the rear garden) does lie within the defined Town Centre for Kingussie. There are a number of B&B and/or short term let type accommodation properties close by.

3. PLANNING HISTORY

- 3.1 None

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Schedule 3 Development, Unknown Neighbour

Date Advertised: 07.12.2023.

Representation deadline: 26.12.2023

Timeous representations: 1

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:

- a) overcrowded parking on Kingussie High Street; proposed development will exacerbate this.

- 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 **Kingussie & Vicinity Community Council:** Object. It comments: "Lack of parking available at the property, which is at a pinch point on the High Street. Furthermore,

given the current shortage/crisis of family homes, would prefer to see it remain as a family home.”

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 National Planning Framework 4 (2023)

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 16 - Quality Homes

Policy 30 - Tourism

6.2 Cairngorms Local Development Plan 2021

3 – Design and Placemaking

6.3 Cairngorms National Park Supplementary Planning Policy 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 amenity and character of the area
- d) impact on infrastructure and services and proposed mitigation (developer contributions)
- e) any other material considerations

Development plan/other planning policy

8.4 Planning permission is sought for a 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 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 Providing that the loss of the residential property to short term let can be justified on the grounds of supporting the local economy and that the proposal would not lead to an unacceptable impact on local amenity or the character of the neighbourhood or area it could be considered to comply with the development plan.

Impact of loss of residential use

- 8.10 While the proposal will result in the loss of a residential dwellinghouse, this property, at 5 bedrooms, is of a size where a change of use to short term let would in principle be acceptable under the Council's Non-Statutory Short-term Lets within a Control Area Planning Policy without adverse impact on the local housing market and would, at the same time, support the local tourism economy.

Impact on amenity and character of the area

- 8.11 The site lies on the High Street within the defined town centre for Kingussie where a mix of uses is considered to be appropriate, including use as short term let accommodation, with the area characterised by greater comings and goings than a more residential suburb. It is not considered that the proposed change of use will result in any unacceptable impact on the character or amenity of the area.

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

- 8.12 Representations refer to a lack of car parking. The application identifies 3No car parking spaces in the rear garden. This is considered to be sufficient and in line with the Council's parking standards for new houses of an equivalent size.
- 8.13 There are no parking restrictions on High Street in front of the application site. Members will note that any parking that would cause obstruction to the free flow of traffic would be a matter for Police Scotland to address.

Other material considerations

- 8.14 There are no other material considerations.

Non-material considerations

- 8.15 There are no non-material planning considerations.

Matters to be secured by Legal Agreement / Upfront Payment

- 8.16 None

9. CONCLUSION

- 9.1 Planning permission is sought for the use of an existing dwellinghouse to a short term let. The proposal is not considered to have an unacceptable impact on the character of the area.
- 9.2 While the proposal will result in the loss of a residential dwellinghouse, the use of the 5 bedroomed property as a short term let is considered to comply with the development plan.
- 9.3 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

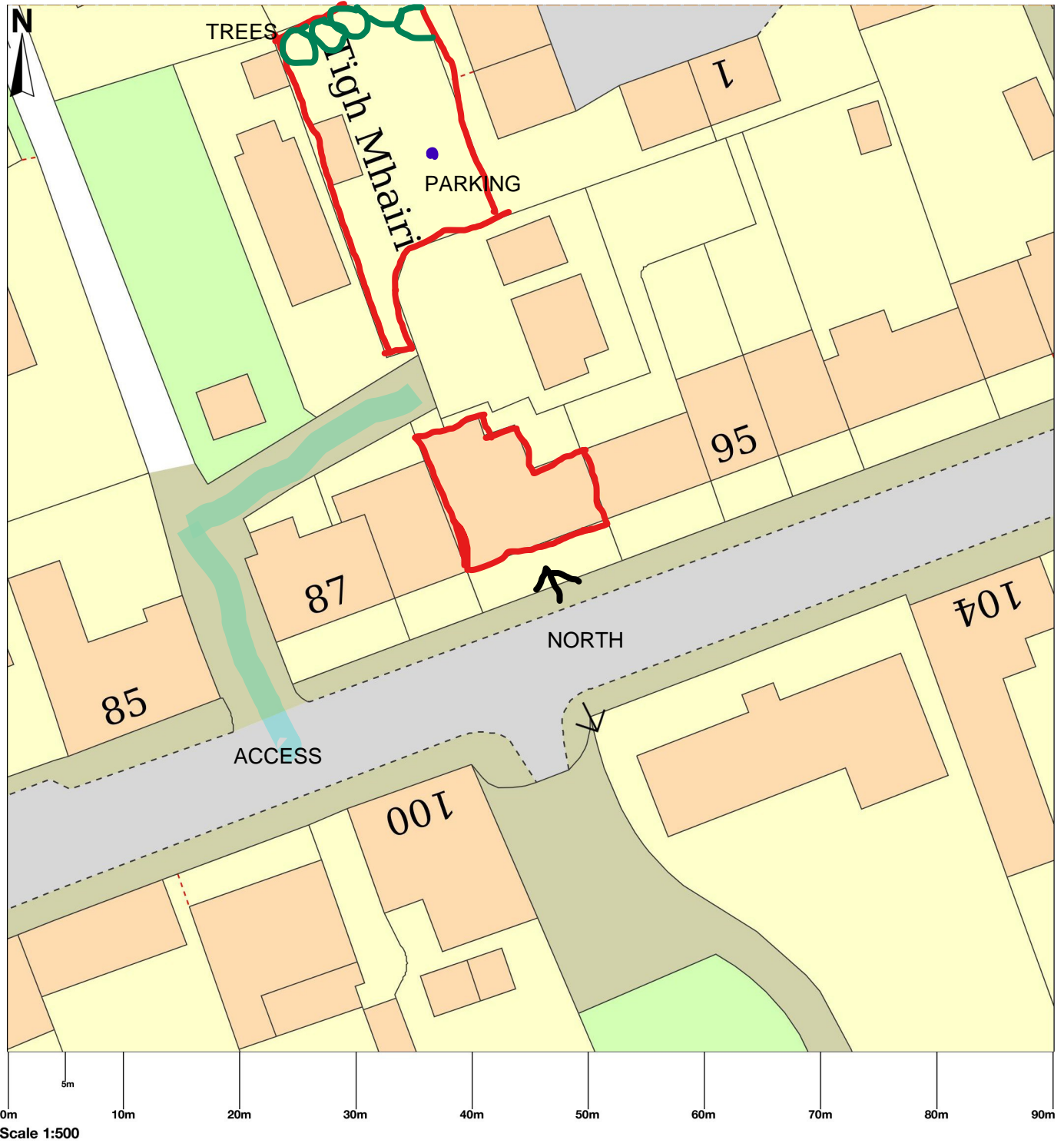
The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply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

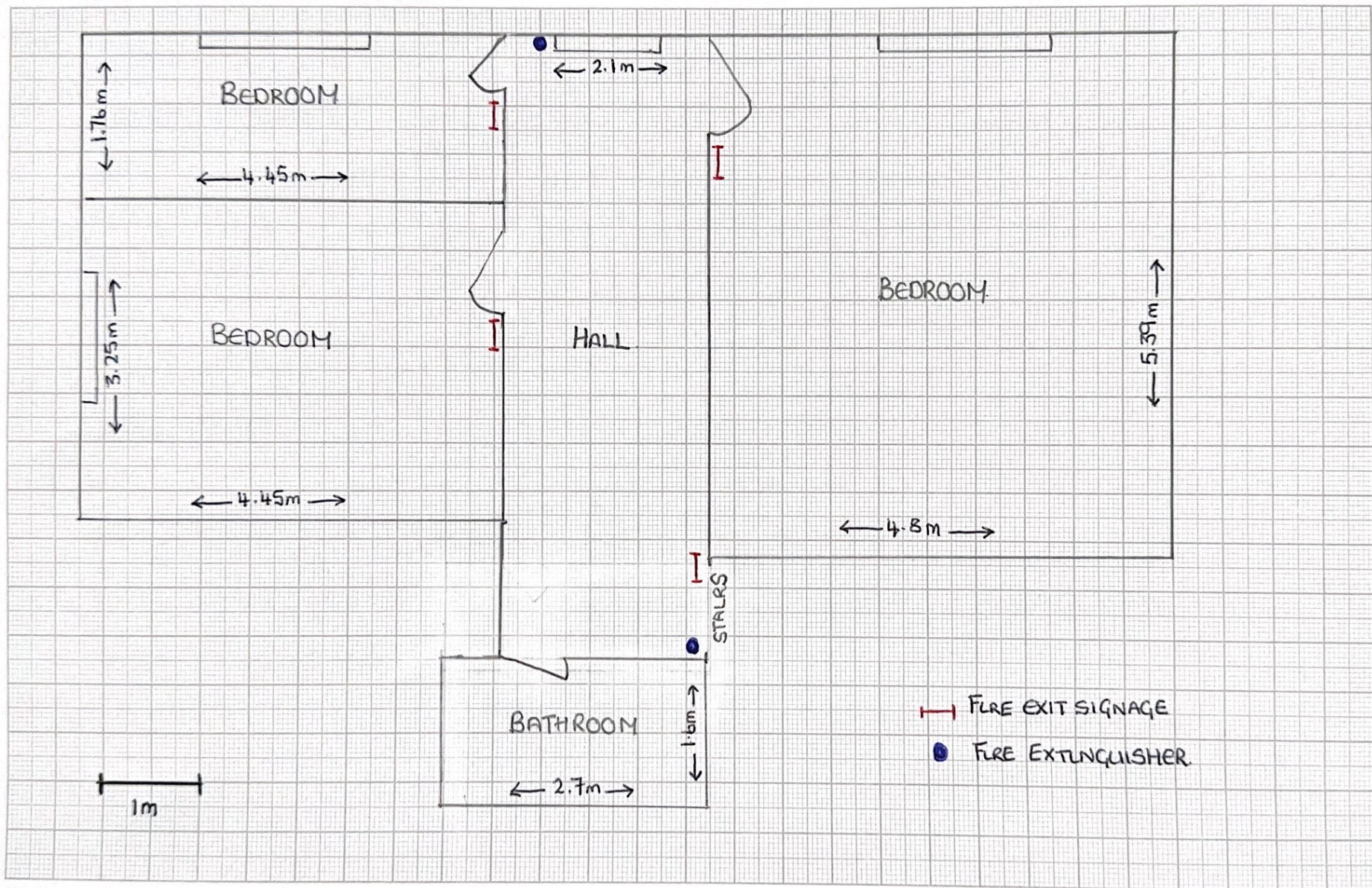
1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the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

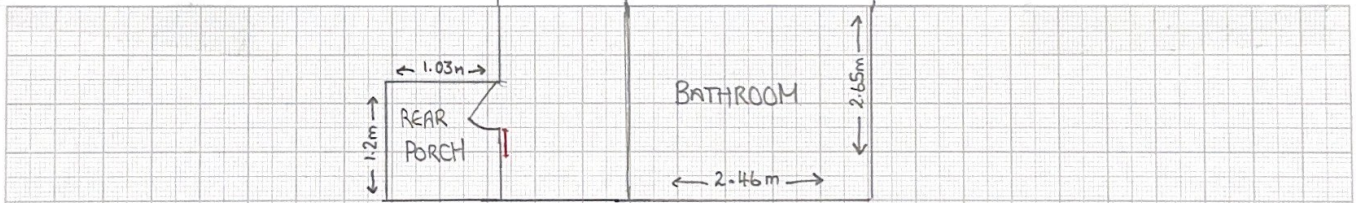
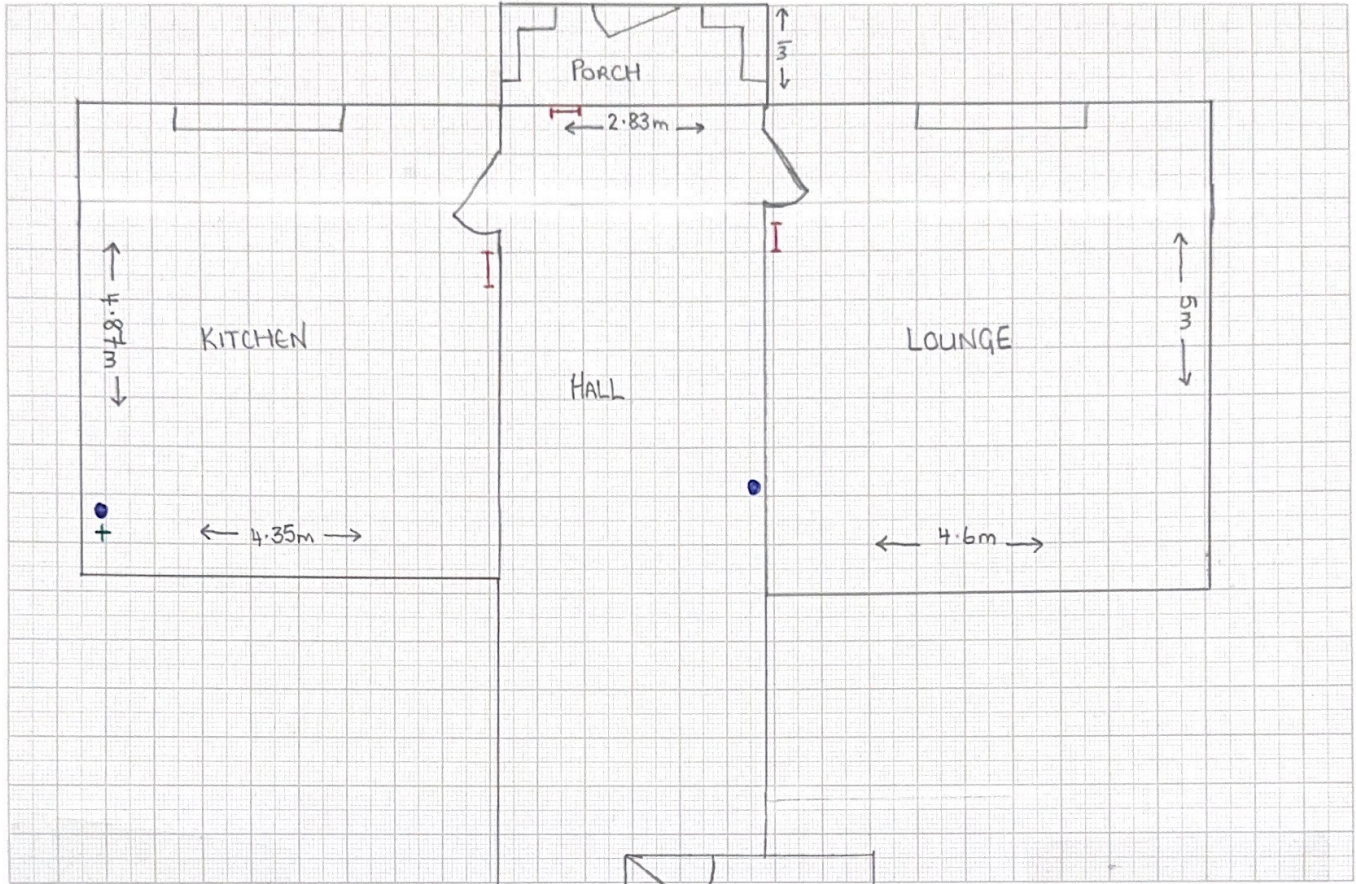
Copies of the notices referred to are attached to this decision notice for your convenience.

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 REV A Location Plan
Plan 2 - 000004 REV A Floor Plan
Plan 3 – Internal floor layout




91 High Street, Kingussie, PH21 1HX

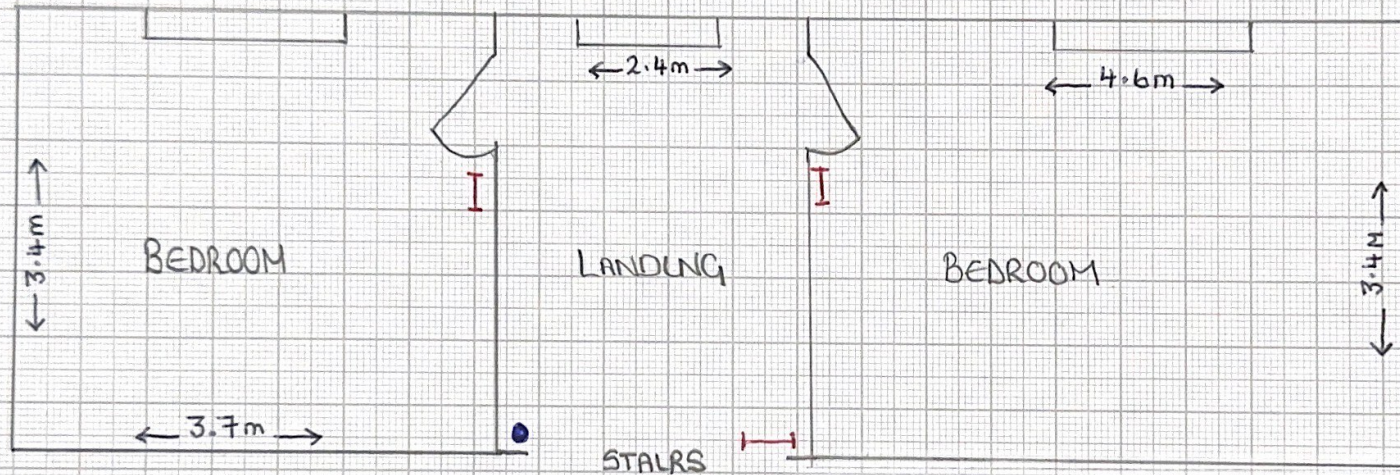






1m

-  FIRE EXIT SIGNAGE
-  FIRE EXTINGUISHER
-  FIRE BLANKET



1m.

—|— FIRE EXIT SIGNAGE

● FIRE EXTINGUISHER

