

Agenda Item	<b>6.3</b>
Report No	<b>PLS/18/25</b>

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 02 April 2025

**Report Title:** 24/04876/FUL: Morar Catering  
Layby off A82, 600m North of Letterfinlay Lodge Hotel, Letterfinlay,  
Spean Bridge

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

### Purpose/Executive Summary

**Description:** Continued siting of snack van

**Ward:** 11 – Caol and Mallaig

**Development category:** N10B – Other Developments Local

**Reason referred to Committee:** Objection from Community Council

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 This application seeks further temporary permission for the siting of a hot food snack van.
- 1.2 The snack van is located at the edge of the A82 trunk road, at Letterfinlay.
- 1.3 Pre Application Consultation: None
- 1.4 Supporting Information: Photographs, Letter in response to Community Council's concerns
- 1.5 Variations: None

## 2. SITE DESCRIPTION

- 2.1 The van is sited on a narrow grassy strip at the western edge of the existing layby on the A82 at Letterfinlay. The site is located approximately 10.5km north east of Spean Bridge village and 10.5km south west of Invergarry.

## 3. PLANNING HISTORY

- |     |             |   |  |
|-----|-------------|---|--|
| 3.1 | 13.12.2021  | 21/04655/FUL: Siting of snack bar at Layby off A82, 600m North of Letterfinlay Lodge Hotel (adjoining site)   | Temporary Permission Granted                       |
| 3.2 | 16.12.2021  | 21/05052/FUL: Continued siting of snack van (current site)  | Temporary Permission Granted                       |
| 3.3 | 2003 - 2018 | Seven applications for the continued siting of snack van  | Temporary Permissions granted                      |
| 3.4 | 10.12.1999  | 99/00387/FULLO: Siting of snack bar<br>Officer recommendation to refuse as development contrary to Control of Roadside Development Policy which at the time sought to restrict isolated commercial development along major traffic routes and to protect views over open water. | Temporary Permission Granted by Planning Committee |

## 4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour  
Date Advertised: 24.12.2024  
Representation deadline: 07.01.2025  
Timeous representations: 0

Late representations: 0

## 5. CONSULTATIONS

### 5.1 **Spean Bridge, Roy Bridge and Achnacarry Community Council:** Objection. Points summarised below:-

- Disparity in the conditions imposed on the previous approval for this applicant 21/05052/FUL on this site and a competitor 21/04655/FUL.
- Community Council approached Environmental Health as the van appeared derelict and no trading had taken place within a year of planning consent. The CC were assured that if the van was repaired and renovated it would be removed from the site at night. The van appears to be trading infrequently again but is not being removed overnight.
- The retention of an elderly, static unit in poor condition is detrimental to visual amenity and the Loch Lochy to Loch Oich Special Landscape Area and contrary to Highland wide Policies 28, 29, and 61.
- Previous permission for the continued siting of the van following Covid-19 pandemic was overly generous given its condition.
- Policy 9, NPF which supports beneficial use on vacant or derelict land would not apply as the van is an occasional derelict itself.
- The development would not support local living or employment as the applicant lives 54 miles away.

### 5.2 **Environmental Health:** No objection.

Further background information was requested from Environmental Health who has advised

- Environmental Health were involved with this in respect of the street trader's licence which was issued in March 2023 and with an abandoned vehicle investigation for the van due to its condition which concluded in 2023 after the vehicle was bought back into use.
- There have been historical issues with fly tipping in and around the vehicle from 2020-2023 however Environmental Health have received no further complaints of this nature since the vehicle was refitted to comply with food safety requirements in order to get a street trader's licence.
- Environmental Health have not lodged any objections to the current planning application as the business is generally compliant and there have been no further complaints regarding waste at the location.
- Apart from the food preparation area, the vehicle is in bad condition, it is not roadworthy or able to be moved off site without being towed or placed on a flatbed transporter.
- Mobile street traders would usually only remain on site during trading hours and this is a static structure.

### 5.3 **Flood Risk Management Team:** Advised it did not wish to be consulted on this planning application.

### 5.4 **Licensing:** Informal advice was sought from the Licensing Team regarding the background to this proposal.

Licensing has advised that the Street Trader's Licence Application was lodged on 29 April 22. This attracted an objection from Environmental Health due to the condition of the vehicle at the time and the matter was reported to the Highland Licensing Committee on 28 March 2023. The Street Trader's Licence was granted on 16 June 2023 following completion of remedial works by the applicant to bring the trailer up to the necessary food hygiene standards. The current Street Trader's Licence expires on 15 June 2026.

**5.5 Transport Scotland: No objection.**

Note that this response is made on the basis that this planning application is for the continued siting of a snack van on an area of privately owned land outwith the curtilage of the A82 trunk road lay-by.

Transport Scotland would also make the applicant aware that SSE previously approached Transport Scotland in relation to undertaking some future works that are likely to impact the use of the lay-by. If these works progress, we would advise the applicant that they may be required to vacate the lay-by for the duration of the works. Transport Scotland accepts no liability for any loss of income claim from the applicant as a consequence of being asked to vacate the lay-by.

**6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

**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 4 - Natural Places

Policy 13 - Sustainable Transport

Policy 22 - Flood Risk and Water Management

Policy 26 - Business and Industry

Policy 29 - Rural Development

Policy 30 - Tourism

**6.2 Highland Wide Local Development Plan 2012 (HwLDP)**

28 - Sustainable Design

29 - Design Quality and Place-making

36 - Development in the Wider Countryside

43 - Tourism

56 - Travel

57 - Natural, Built and Cultural Heritage

64 - Flood Risk

**6.3 West Highland and Islands Local Development Plan (2019) (WestPlan)**

No specific policies apply.

**6.4 Highland Council Supplementary Planning Policy Guidance**

Flood Risk and Drainage Impact Assessment (Jan 2013)

Special Landscape Area Citations (June 2011)

Sustainable Design Guide (Jan 2013)

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

### **7.1 Scottish Government Planning Policy and Guidance**

Biodiversity: draft planning guidance

## **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) planning history
- c) siting and impact on amenity including impact on wider SLA
- d) access and parking
- e) any other material considerations

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

8.4 National Planning Framework 4 (NPF4) Policies 1-3 apply to all development proposals nationwide. When considering all development proposals, significant weight will be given to the global climate and nature crises. Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

8.5 The snack van is sited outwith any defined settlement centre, along the busy A82 transport route between Spean Bridge and Invergarry. National Planning Framework 4 (NPF4), policies 26: Business and Industry and Policy 29: Rural Development offer broad support for micro-business development that would contribute to the viability, sustainability and diversity of rural communities and the local rural economy. Development proposals must be suitably scaled, sited and designed to be in keeping with the character of the area.

8.6 Development proposals that affect a site designated in the Local Development Plan as a Special Landscape Area will only be supported where development will not have

a significant adverse effect on the integrity of the area or the qualities for which it has been identified. Subject to the proposal having no significant impact on the Loch Lochy and Loch Oich Special Landscape Area the proposal would comply with policies 4, NPF4 and 57, Highland wide Local Development Plan (HwLDP).

- 8.7 The snack van is situated along a busy trunk road route. The business would likely be used by locals and tourists alike. Policy 30, NPF4 and policy 43, HwLDP offers broad support for tourism related development, taking into account the contribution made to the local economy, compatibility with the surrounding area in terms of the nature and scale of activity and impacts on communities.

### **Planning History**

- 8.8 Planning permission was originally granted for a snack bar at this site in 1999. Given the scale and nature of the proposal, planning permission was granted on a temporary basis and there have been subsequent applications made for the renewal of consent up to the current time. A snack van has been operating on site, largely without incident or concern for over 20 years.
- 8.9 The most recent application for renewal of temporary consent was made in 2021. At this time a second application was made by a competitor, seeking temporary consent to site a snack bar, close to the existing van. The competitor's snack bar was to be sited within the trunk road layby, while the applicant's van is sited at the edge of the layby on private ground. At the time of the 2021 application, the competitor objected to the renewal of permission for the existing van due to the closure of the existing snack van and its condition. The applicant advised that the van had not been in operation due to the Coronavirus Covid19 pandemic lockdown and travel restrictions. The van had been vandalised, the window smashed, and the applicant was awaiting a replacement window.
- 8.10 Permission was granted for a further temporary period to enable the applicant time to repair the snack van and recommence operation of the site, as the pandemic effects lessened, improving the visual amenity of the site and bringing it back into beneficial use. It was considered that the granting of a further temporary consent, together with licensing and environmental health regulation would adequately control the visual impact and activity on site.
- 8.11 The cumulative impact of two snack bars operating within and alongside the large layby on the trunk road was assessed in terms of visual amenity and found to be acceptable in 2021. Temporary planning permission for both units was subsequently granted. Renewal of the siting of the existing van was subject to a single condition to limit the period of consent to 3 years. Transport Scotland requested informative notes be applied to the renewal of consent for the snack van on private land adjoining the lay-by. These informative notes were included in line with Transport Scotland's recommendations. The Trunk Road Authority advice highlighted that no advertisements were to be placed within the trunk road boundary and advised that SSE had approached Transport Scotland in relation to works that would likely impact the use of the lay-by. If SSE works progressed, the applicant was advised that they would be required to vacate the lay-by for the duration of the works.

- 8.12 The Community Council has queried the difference in planning conditions imposed on the competitor's snack bar (21/04655/FUL), which was approved around the same time. A condition was imposed to limit the period of permission to 3 years in accordance with the approval for renewal of siting of the existing van. As the competitor's snack bar was to operate within the lay-by, Transport Scotland requested the imposition of additional conditions, for the lay-by to be kept tidy at all times with waste removed from the lay-by after each day's trading and for no material associated with the operation of the snack van to be deposited in gullies or adjacent watercourses.
- 8.13 Transport Scotland advised that there would be additional requirements for vendors seeking consent from the trunk road authority to operate from the trunk road lay-by including
- the display of a valid street trader's licence at all times
  - the provision of proof of Public Liability Insurance on request
  - for the lay-by to be vacated if Transport Scotland required use of the lay-by for maintenance purposes
  - for trading to cease if a road safety hazard was created
  - the snack bar not be left in the lay-by overnight
  - the location of the snack bar to be generally as shown on the approved plan.

These matters were noted as informatives on the decision notice.

- 8.14 While the two proposals were similar in scale and nature and in close proximity to each other, the original van was to continue being sited on private ground while the second was to operate from within the lay-by. This difference resulted in Transport Scotland's different approach and more onerous restrictions on the snack bar to be located within the lay-by. The requirement for the snack bar to be removed from the lay-by overnight was an informative added as per one of Transport Scotland's recommendations for granting permission for siting within the lay-by, not a condition imposed by the Planning Authority.

#### **Siting and impact on amenity including impact on wider SLA**

- 8.15 The snack van is unlikely to generate additional traffic but instead is likely to provide a facility for those already travelling along the A82 trunk road. Given the scale of the proposal, it is unlikely to have a detrimental impact on the vitality or viability of nearby settlements. While there are hotels and other food businesses within the vicinity, this offering will cater to different customer needs. The van is located on private land, adjacent to the trunk road and there are no neighbouring premises nearby. Renewal of planning permission raises no substantive concerns regarding loss of neighbouring amenity, in terms of noise, odour or activity.
- 8.16 The Assessment of Highland Special Landscape Areas which was prepared by the Highland Council in partnership with Scottish Natural Heritage identifies the Great Glen – its scale, striking linearity and long narrow lochs as the special qualities of this SLA. The assessment acknowledges that most people experience the landscape from the A82, which is one of the main roads between Inverness and Glasgow, this is a route which demands driver attention on the road ahead rather

than on the surroundings except at locations where traffic is slowed at bridging points, road junctions and stopping places.

- 8.17 The assessment notes the main sensitivities to change in this area include the development of large focal features, elevated development such as upslope footpaths and forest tracks, the addition of new building or structures which would interrupt or distract from the panoramas obtained from exposed mountain ridges, the addition or upgrade of roads may increase visibility of traffic from opposite sides of the lochs, and/or increase the levels of noise through tranquil parts of the glen and significant changes in land cover types.
- 8.18 Repairs to the van have been made by the applicant in order to secure the street trader's licence and to meet food hygiene standards. The condition of the van has improved since 2021. It is acknowledged that the van is an older vehicle which has been registered as off the road (SORN) and is parked on private land. Whilst not currently capable of being driven, the van is capable of being towed and removed from the site. The van is viewed at the edge of the trunk road lay-by, often together with other vehicles. The van is not considered to be particularly aesthetically pleasing however it is not out of keeping with the trunk road setting. While it is sited within a stopping place within the SLA, the small scale and type of development is not considered out of place and is not considered to significantly adversely impact the special qualities of the Loch Lochy and Loch Oich Special Landscape Area (SLA).

#### **Access and parking**

- 8.19 The van is sited adjacent to the existing layby and will not interfere with the flow of traffic on the trunk road or within the layby. The layby offers sufficient, safe space for customers to stop and visit the snack van. Transport Scotland has raised no objection to the proposal, subject to an informative note in line with the previous temporary consent, regarding the proposed works by SSE which may impact the use of the lay-by.

#### **Other material considerations**

- 8.20 The Community Council note that the development would not support local living or employment as the applicant lives 54 miles away. The applicant does not live locally and does have to travel to the site however this is often the norm for individuals living in remote areas to travel to their place of work. The applicant has advised that the majority of stock is purchased from existing local businesses in Fort William and two individuals hold street trader's licences enabling the van to operate (the applicant and a second person who resides in Fort William). In this way, the applicant suggests that the proposal does support local businesses and the local economy.

#### **Non-material considerations**

- 8.21 None

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

- 8.22 None



## 9. CONCLUSION

- 9.1 The renewal of planning permission for a temporary period would enable an existing business to continue to operate in its current location, providing a facility for travellers using the busy A82 trunk road route between Fort William and Inverness. Whilst the van is an older vehicle, its appearance at the edge of the lay-by is not unexpected and will be viewed together with other vehicles using the lay-by. The operator notes that they manage litter within the layby and the vehicle has recently been improved following a spate of vandalism during the Covid Pandemic, to meet street licensing and food hygiene standards.
- 9.2 The concerns expressed by the Community Council regarding the visual impact of development are noted. The impact of the development on amenity and the wider Special Landscape Area has been assessed and it is not considered of such significance to warrant refusal. Consent is recommended for a further temporary period of 3 years. The condition of the van and use of the site will be subject separate to review as part of the ongoing requirements for Street Trader's Licensing and food hygiene certification.
- 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

<b>Action required before decision issued</b>	<b>N</b>
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. Planning permission is hereby granted for a temporary period only and shall cease to have effect on **31 March 2028** (the 'cessation date'). Prior to the cessation date, the application site shall be cleared of all development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended)) and the site reinstated to its pre-existing condition.

**Reason:** To ensure that any development which has ceased to serve its intended purpose is removed from the site, in the interests of visual 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**

### **Environmental Health**

Please be advised, the unit must comply with the Food Safety (Scotland) Regulations 2006 and the Health and Safety at Work etc. Act 1976. Further advice on these regulations can be obtained from the Environmental Health Service tel: 01349 886603 or email: [envhealth@highland.gov.uk](mailto:envhealth@highland.gov.uk).

### **Licensing**

Please be advised that you will be required to obtain/renew your Street Trader's Licence with the Highland Council to operate from this site. Further advice can be obtained from the Licensing Service tel: 01349 886609 or email: [licensing@highland.gov.uk](mailto:licensing@highland.gov.uk).

### **Trunk Road Advertising**

You are advised that any advertisements associated with the operation of the snack van require the express consent of the Planning Authority under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. It is an offence to display an advertisement in contravention of the regulations.

In accordance with the consultation response from the Trunk Road Authority you are advised that no advertisements must be placed within the trunk road boundary, in order to minimise distraction to drivers on the trunk road.

### **Trunk Roads Authority**

Transport Scotland would make the applicant aware that SSE has approached Transport Scotland in relation to undertaking some future works that are likely to impact the use of the lay-by. If these works progress, Transport Scotland advise you that you may be required to vacate the lay-by for the duration of the works. Transport Scotland accepts no liability for any loss of income claim from the applicant as a consequence of being asked to vacate the lay-by.

## **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. The granting of planning permission does not remove the liability position of developers or owners in relation to flood risk.

Signature: David Mudie  
Designation: Strategic Lead – Planning and Building Standards  
Author: Christine Millard  
Background Papers: Documents referred to in report and in case file  
Relevant Plans: Plan 1 - 000001 Location Plan



## Loch Lochy Lay-by , Letterfinlay, PH34 4DZ

