



## Town and Country Planning (Scotland) Act 1997 Appeal Decision Notice

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Decision by Tammy Swift-Adams, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2307
- Site address: Taigh Abhainn, Station Road, Carrbridge, PH23 3AL
- Appeal by Jennie Slessor against the decision by the Highland Council
- Application for planning permission 24/01295/FUL dated 3 April 2024 refused by notice dated 07 October 2024
- The development proposed: use of property as short term letting unit and house
- Application drawings: listed in schedule
- Date of site visit by Reporter: 07 and 08 January 2025

Date of appeal decision: 30 January 2025

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### Decision

I allow the appeal and grant planning permission subject to the condition at the end of this decision notice. Attention is drawn to the two advisory notes at the end of this notice.

### Preliminary

The appeal site lies within the Badenoch and Strathspey Short Term Let Control Area, established in March 2024 under section 26B of the Town and Country Planning (Scotland) Act 1997 (as amended). In such areas, the use of a dwellinghouse for short-term letting is deemed to involve a material change of use. In this case, it is proposed that the appeal property, as well as being used for short-term letting, would also be used as a house. Even so, I am satisfied that the development proposed would constitute a material change of use.

### Reasoning

1. The appeal property is a detached, four bedroomed house which has recently been built and is close to completion. Floor plans show two double and two twin bedrooms. The property is located to the north of Station Road and south of the River Dulnain, near the centre of Carrbridge. The appellant seeks planning permission for a material change of use so that the property may be used both as a short term letting unit and as a house.
2. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan comprises the Cairngorms National Park Local Development Plan ('the LDP') and National Planning Framework 4 ('NPF4'). Having had regard to the development plan, the main issues in this appeal are impacts on amenity and local character and loss of residential accommodation.
3. Policy 30 e) of NPF4 does not support the reuse of existing buildings for short term letting if there would be unacceptable local amenity impacts or where any loss of residential accommodation would not be outweighed by demonstrable local economic benefits.

4. The council adopted a 'Non-Statutory Short-term Lets within a Control Area Planning Policy' ('the council policy') in November 2023. Whilst this is not part of the development plan, I find it to be a relevant and helpful material consideration in this case. It sets out the circumstances in which, within a control area, the use of a dwellinghouse as a short term let may be supported. These include where the dwellinghouse has at least four bedrooms. As the appeal property has four bedrooms, the proposal in this case will be supported by the council policy, providing it also satisfies the requirements of policy 30 e). The council policy states that assessment of amenity will include consideration of privacy, amenity, parking provision, commercial waste storage and collection points and neighbouring land uses.

5. The design of the appeal property and the identical neighbouring house provide a good standard of privacy for their residents and neighbours. During my site visit I saw that, as is shown on the application drawings, the main living spaces in these properties are orientated towards their rear gardens and their front and side windows are unlikely to allow open views into one property from the other. I also saw that the covered deck at the rear of the property has a tall, slatted panel which reduces views to the neighbouring house. On that basis, I am satisfied that the proposal would not have an unacceptable privacy impact.

6. The area around the appeal property is primarily residential in use and character but includes some other short term lets. These include West End Cottage across Station Road to the south, Molecatcher's Cottage to the immediate east and Smithy Croft which is nearby to the west. Two of these are licensed and the council is considering a license for the third. The council's reason for refusal identifies the proximity of other short term lets as a factor that would cause the proposed short term let to have an unacceptable impact on local amenity and the character of the area. Objectors also express concern that the proposal would cause additional amenity impacts, over and above those arising from existing lets.

7. Station Road is a main route within the village, connecting the village centre to the railway station. As such, ordinary residents of nearby dwellinghouses will be used to a degree of ambient noise and movement from pedestrians and vehicles that use the road, including guests of existing short term lets and other tourist accommodation across the wider village. I recognise that the short term letting component of the proposed use would increase the representation of short term letting within the surrounding cluster of properties. I also recognise that occupation by groups of up to eight guests, who could for example be two families holidaying together or a group of adults, would be a more intense use of the property than is likely to typically arise under residential use, and that there are differences in how short term let guests and long-term residents typically contribute towards the functioning of a community. However, I am not persuaded that the proposal would tip the balance of residential and short term let uses such that there would be an unacceptable impact on residential amenity or the residential character of the area.

8. Within this, nothing in the submissions leads me to think that the appeal property would typically be used as a 'party house' (as is suggested in objections), particularly as it would be in dual use as the owner's second home. I do not agree with objectors that the ability of environmental health and the police to respond to excessive noise or antisocial behaviour is not a relevant consideration. Furthermore, as is noted in the report of handling, short term licensing also helps the council to ensure such uses are appropriately managed.

9. The council states that parking provision at the property complies with Highland Council guidelines for a dwellinghouse with four bedrooms. The planning application drawings show two car spaces and additional space for turning. I recognise that a four-bedroomed house in short term let use is likely to sometimes be occupied by groups using

more than two cars. However, whilst the appeal site was under snow at the time of my site visit, it was apparent that more than two cars would fit within the hardstanding part of the site, without removing scope for turning. I consider it likely that guests would seek to utilise the available space within the curtilage of the property, and that there is unlikely to be significant reliance on on-street parking. At any times when that was necessary, guests would need to accord with parking restrictions in the wider vicinity. Objectors refer to road safety and traffic flow issues that may arise if guests did elect to park on the road. However, having seen the road during my site visit (acknowledging that it was under snow) and using online mapping, I find no reason to disagree with the officer assessment, as set out in the report of handling, that the road by the site is more than sufficient for two vehicles to pass.

10. The report of handling also states that the house has been built with sufficient space for off-street bin-storage. Based upon my site visit and the application drawings, I am satisfied that there would be sufficient space at the property for commercial waste bins, should any be needed in addition to the bins that will be provided for the dwellinghouse.

11. I have already found that the proposed short term let use would not unacceptably impact the amenity of nearby residents or the residential character of the area. I am also satisfied that it would be compatible with existing short term lets in this locality and that there would be no likely impact on other land uses in the wider area. I see no reason why the proposed short term let should be a threat to self-catering accommodation that is already established, as has been suggested by one objector. The development plan does not, in any case, seek to protect existing holiday accommodation from new competition.

12. For the reasons I have set out, I am satisfied that there are no issues in relation to policy 30 e) of NPF4, nor with the council policy, in relation to amenity or local character.

13. Policy 30 e) also states that proposals to reuse existing buildings for short term holiday letting will not be supported where any loss of residential accommodation would not be outweighed by demonstrable local economic benefits.

14. Objectors question the extent of any local economic benefit, stating that short term let guests may bring supplies with them or order online rather than use the local shop. I find it likely that some guests would indeed buy food and other supplies from locations beyond the village. However, I consider it equally likely that the proposed short term let use of this property, at times when its owner was not in occupation, would generate custom for the village shop and pub, and tourism-focussed businesses, which would not otherwise arise.

15. The council's report of handling states that the proposed short term letting use is considered to support the local economy. Furthermore, the level of local economic benefit is not identified as a reason for refusal in the council's decision notice. I am satisfied that the proposal would deliver local economic benefits. I also note that it is proposed that the appeal property would continue to be used as a house, alongside the proposed short term let use, though its current owner would use it as a second home rather than a main home. In that regard, this proposal does not remove the option of residential use of this property.

16. For the reasons I have set out, I am satisfied that there are no issues in relation to policy 30 e) of NPF4, nor the council policy, in relation to loss of residential accommodation.

17. Neither the council nor the appellant have directed me towards any wider policy objectives which would be adversely affected by the proposed development, nor to other development plan policies that would be directly relevant in this case.

18. In addition to the amenity considerations, which I have discussed above, objections from local residents reiterate some matters which were first raised when the planning application for appeal property and the adjacent house was being considered. It is not open to me to reconsider such matters, which include the design approach. The proposal before me involves no changes to the structure or appearance of the appeal property.

## Conclusion

19. For the reasons set out above, I conclude that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would still justify refusing to grant planning permission.

20. I have considered all other matters raised, but find none which would lead me to alter my conclusions.

*Tammy Swift-Adams*

Reporter

## Conditions

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of grant of this permission.

Reason: Section 58 of the Town and Country Planning (Scotland) Act 1997 requires a condition to be attached to permissions limiting their duration. Three years is the default period set by law and there is no material reason indicating that a different period should be set.

## Advisory notes

1. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

2. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).

## Schedule of drawings

Drawing type	Drawing number	Revision number	Dated
Floor section plan	BW01	D	July 2023
Elevations plan	BW02	D	July 2023
Site plan	PP	n/a	June 2024
Location plan	n/a	n/a	Undated