

Agenda Item	6.7
Report No	PLS 060/19

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 7 August 2019

Report Title: 19/01136/FUL: Mr S. Dickson
Land 30m North of Balnastraid, Duthil, Carrbridge

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Temporary storage of two static caravans

Ward: 20 – Badenoch and Strathspey

Development category: Local development

Reason referred to Committee: 5 or more representations

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** planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for the storage of 2 caravans on site (in retrospect).
- 1.2 The site is accessed via a single track road leading from the A938 Carrbridge to Dulnain Bridge road, just east of the settlement of Duthil, and is shared with a number of other residential properties. There is existing parking provision within the site.
- 1.3 Pre Application Consultation: Advised to submit a retrospective application following the unauthorised siting of the caravans.
- 1.4 Supporting Information: Supporting Statement and completed contamination questionnaire
- 1.5 Variations: None

2. SITE DESCRIPTION

- 2.1 The site is a yard area associated with the 9.65 hectare farm and contains a number of outbuildings, some of which have been severely damaged by a recent fire. The site is adjacent to the former farmhouse now used as holiday accommodation. There are other residential properties in close proximity to the site.

3. PLANNING HISTORY

- | | | | |
|-----|-----------------------|---|--------------------------------|
| 3.1 | Pending consideration | 19/01133/FUL Part change of use of outbuilding to staff welfare accommodation | Planning application submitted |
| 3.2 | 24.09.2018 | 18/04115/PNO Erection of agricultural building | Prior Approval is required |
| 3.3 | 06.09.2018 | 18/01210/FUL Part change of use of outbuilding to staff welfare accommodation | Application withdrawn |
| 3.4 | 06.09.2018 | 18/01194/FUL Temporary siting of 2 no caravans | Application withdrawn |
| 3.5 | Pending consideration | 17/00022/ENF Partial use of biomass housing unit as living accommodation and conversion of store to office building | |
| 3.6 | 04.08.2016 | 16/03036/PNO Prior notification for farm-related building works (non-residential) | Application withdrawn |
| 3.7 | 02.02.2015 | 14/04247/FUL Erection of biomass and boiler room | Permission granted |
| 3.8 | 09.04.2015 | 14/04059/FUL Change of use from farmhouse to holiday let | Permission granted |

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour 14 days

Date Advertised: 28.03.2019

Representation deadline: 11.04.2019

Timeous representations: 5 timeous representations

Late representations: None

4.2 Material considerations raised are summarised as follows:

- a) Noise, light and impact on amenity;
- b) Overdevelopment of the site;
- c) No operational requirement;
- d) Excess traffic and road safety concerns;
- e) Drainage arrangements.

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 **Contaminated Land Team:** No objection subject to the completion of the contaminated land questionnaire

5.2 **Cairngorms National Park Authority:** No objection.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Cairngorms National Park Local Development Plan (March 2015)**

3 - Sustainable Design

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 **Scottish Government Planning Policy and Guidance**

7.2 **Cairngorms National Park Local Development Plan 2020 Proposed**

3 – Design and Placemaking

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 on amenity
 - c) increased traffic and vehicle movements
 - d) any other material considerations.

Development plan/other planning policy

- 8.4 Policy 3 of the Cairngorms Local Development Plan notes that proposals need to demonstrate that they have been designed to protect the amenity enjoyed by neighbours including minimisation of disturbance caused by access to the development site.
- 8.5 The proposal is to store two static caravans on site for 18 months. Subject to the proposal having no adverse impacts on neighbouring occupiers the temporary storage of the caravans would be supported by the Development Plan.

Residential Amenity

- 8.6 The 2 caravans measure 11m x 3.6m and are stored within the yard associated with the farm, set back approximately 25m from Balnastraid Cottage to the north east, and approximately 20m from Balnastraid to the south. They are further screened by a shed and fence along the north eastern site boundary. The context and scale of the caravans is considered to be acceptable within the setting of other buildings within the yard as it is only a temporary storage solution for 18 months.
- 8.7 Representations from neighbours raise concerns that the cumulative effect of this development, along with the welfare facility (pending application 19/01133/FUL) and the existing letting property at Balnastraid, would significantly impact upon neighbour amenity. This particular proposal, while in retrospect, is for storage only. The applicant confirms that the caravans will not be used for accommodation. This can be controlled by condition. With this in mind, the proposal should have no additional impact on amenity. Should it become apparent that the caravans are being used as accommodation this would be a clear breach of planning control that would require to be investigated at that time.

Traffic

- 8.8 The proposal utilises an existing access track from the A938 public road. Representations suggest that the proposal would lead to increased traffic and have a detrimental impact on the existing access track. It should be noted that the use/maintenance of the track is a private legal matter for interested parties. The storage of two static caravans, already on the site, is not considered likely to generate any significant additional traffic.

Drainage arrangements

- 8.9 Concerns have been expressed in relation to waste water and foul drainage arrangements at the site. A replacement septic tank and soakaway was initially proposed for caravan accommodation within the site but that application was withdrawn (18/01194/FUL). The Supporting Statement submitted with the current application refers to the installation of a new septic tank and soakaway but has since been updated to confirm that the existing arrangements will remain unchanged. Given the current proposal is for temporary storage of 2 caravans there is no requirement for drainage arrangements.

Other material considerations

- 8.10 The caravans measure 11m x 3.6m and there is sufficient space at the site to accommodate them. It is not considered that the proposals would result in overdevelopment of the site. In terms of the location of the caravans, they are situated within the yard associated with the farm and set back from the nearest residential properties. In order to retain planning control over the storage of the caravans, it is considered appropriate that a condition is attached to the permission requiring removal of the caravans from the site after an 18 month period.

Matters to be secured by Section 75 Agreement

- 8.11 None

9. CONCLUSION

- 9.1 The Development Plan promotes sustainable design, this of course has to be balanced alongside the amenity currently enjoyed by neighbours. Concerns raised by neighbours regarding the use of the caravans for letting purposes connected to the existing holiday letting business can be addressed by condition, as the purpose of the application is to store, rather than reside in, the two caravans. They are considered to be situated at a reasonable distance from neighbouring properties and given the intended temporary use for storage only they are unlikely to have a significantly detrimental impact on individual or wider community amenity.
- 9.2 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, it is recommended that planning permission be **GRANTED**, subject to the following:

Conditions and Reasons / Reasons for Refusal

1. Planning permission is hereby granted for a temporary period only and shall cease to have effect on 7 February 2021 (the 'cessation date'). Prior to the cessation date, the application site shall be cleared of all development approved under the terms of this permission and any ground disturbance reinstated to its condition prior to the granting of this permission, all to the satisfaction in writing of the Planning Authority.

Reason: In recognition of the temporary nature of the proposed development, to enable the Planning Authority to reassess the impact of the development after a given period of time and secure removal and restoration.

2. The caravans are only to be stored at the site, and shall not be used as a residence or be occupied by any family, group or individual.

Reason: To ensure that the development is for storage only; and that the caravans are not used for accommodation.

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.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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

FOOTNOTE TO APPLICANT

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

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.

Signature: David Mudie
Designation: Area Planning Manager – South
Author: Roddy Dowell
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan PL101 REV A
Plan 2 - Site Layout Plan PL102 REV A



DO NOT SCALE, IF IN DOUBT PLEASE ASK
 All setting out must be checked on site prior to commencement. Any discrepancy must be reported to G. H. JOHNSTON Building Consultants Ltd



KEY

- site boundary
- landownership

site area : 3550 sqm
 (0.877 acres)

**Planning
 Submission**

REVISIONS

rev.	description	date
A	Clients amendment	03.19

Client
Stuart Dickson

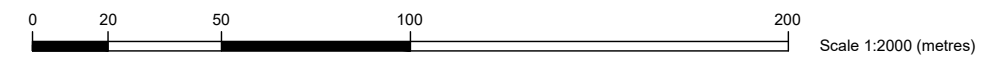
Project
**Temp siting of 2 caravans
 Duthil
 Carrbridge**

Drawing
Location Plan

Scale 1:2000@A3	Date 03.18	Drawn by CA
Project no 2478	Dwg no PL101	Rev A

G.H.JOHNSTON
 BUILDING CONSULTANTS LTD

WILLOW HOUSE
 STONEYFIELD BUSINESS PARK TEL (01463) 237229
 INVERNESS IV2 7PA
 Email: technical@gjohnston.co.uk



DO NOT SCALE, IF IN DOUBT PLEASE ASK
 All setting out must be checked on site prior to commencement. Any discrepancy must be reported to G. H. JOHNSTON Building Consultants Ltd



Planning Submission

REVISIONS

rev.	description	date
A	Clients amendment	03.19

Client
Stuart Dickson

Project
 Temp siting of 2 caravans
 Duthil
 Carrbridge

Drawing
Site Plan

Scale 1:500@A3	Date 03.18	Drawn by CA
Project no 2478	Dwg no PL102	Rev A

G.H.JOHNSTON
 BUILDING CONSULTANTS LTD

WILLOW HOUSE
 STONEYFIELD BUSINESS PARK TEL (01463) 237229
 INVERNESS IV2 7PA
 Email: technical@ghjohnston.co.uk

