| Agenda Item | 6.2 |
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| Report No | PLS/26/25 |

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 14.05.2025

Report Title: 24/04051/FUL: Mr W MacIntyre

Land 90M SW Of Brackletter Lodge, Spean Bridge

Report By: Area Planning Manager South

Purpose/Executive Summary

Description: Erection of 3 holiday pods (retrospective)

Ward: 11: Caol and Mallaig

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

The Committee is 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 (in retrospect) is sought for 3 camping pods, each measuring 6.8m x 3.9m x 3m, containing a double bed, bathroom and basic kitchen facilities. The pods have a curved roof in the style of an upturned boat hull, with glazed double doors in the front and a small window in the rear. A small, recessed area at the front of the pod forms a covered seating area. In addition, a foul water drainage system is proposed.
- 1.2 The pods are managed by the owners of Brackletter Lodge and are to be let for the purposes of holiday accommodation.
- 1.3 Pre Application Consultation: None
- 1.4 Supporting Information: None
- 1.5 Variations: None

2. SITE DESCRIPTION

- 2.1 The site is located approximately 50m south of Brackletter Lodge, a residential property, off the Highbridge to Camisky single track road, 4.3km northwest of Spean Bridge and 1.3km southeast of Gairlochy.
- 2.2 It is located in the middle of a former forestry plantation, parts of which have been harvested and the ground levelled. The pods are within a cleared area which is elevated, dropping down to the north to the River Lochy and the Caledonian Canal at Gairlochy. The pods sit on an area of chipped hardstanding.
- 2.3 The site is approximately 340m along a private drive that serves Brackletter Lodge. It is off the minor single-track road which forms a loop off the A82, serving Highbridge and Camisky.
- 2.4 The site lies within the Parallel Roads of Lochaber Site of Special Scientific Interest, the citation for which identifies its outstanding importance for its range of quaternary and fluvial geomorphology features.

3. PLANNING HISTORY

| 3.1 | 05.08.2010 | 10/00022/PIPLO Erection of house | Application Permitted |
|-----|------------|---|--------------------------|
| 3.2 | 29.11.2010 | 10/03494/FUL Erection of garage | Application Permitted |
| 3.3 | 27.10.2011 | 11/00371/FUL Erection of house which also incorporates two self-contained units | Application Permitted |
| 3.4 | 03.02.2020 | 19/03305/FUL Siting of four holiday letting pods | Application Permitted |

| 3.5 | 16.04.2020 | 20/00435/FUL Erection of two holiday letting units | Application Permitted |
|-----|------------|--|--------------------------|
| 3.6 | 18.03.2025 | 25/00135/S75D Application seeks full discharge of the planning obligation attached to planning permission 11/00371/FUL | |

4. PUBLIC PARTICIPATION

4.1 Advertised: Oban Times (Unknown Neighbour)

Date Advertised: 10.10.2024

Representation deadline: 24.10.2024

Timeous representations: 0

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:
 - a) None
- 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 Spean Bridge, Roy Bridge and Achnacarry Community Council:

"This retrospective planning application sits firmly within the Parallel Roads of Lochaber SSSI, recognised as one of the top 200 geological sites globally. NPF4 Policy 4 (c) states: Developmental proposals that will affect a SSSI will only be supported where:

- i. the objectives of designation and the overall integrity of the area will not be compromised or
- ii. any significant adverse effects on the qualities for the area has been designated are clearly outweighed by social, environmental, or economic benefits of national importance.

Regulations around the excavations within the boundaries of the SSSI require owners to request permission of Nature Scotland. The reason for this is so that Nature Scot can determine if any significant damage will be done to the SSSI. In this case the owner did not request such permission prior to installing the three pods. If damage has been done, then because it is a geological feature it is impossible to repair as the subsurface has been destroyed.

Granting retrospective planning permission would in effect create a precedent that it is better to beg forgiveness than ask permission, which if all landowners followed would result in the destruction of the SSSI. Spean Bridge, Roy Bridge and Achnacarry Community Council therefore object to granting retrospective planning permission as it fails to demonstrate that it has not compromised NPF4(c), and request the site be returned as close as possible to its original state."

5.2 Corporate Address Gazetteer

Each property should have its own unique property reference number (UPRN). Therefore, the applicant/agent must notify the CAG Team at CAGRequests@highland.gov.uk if permission is granted for the holiday pods so the necessary changes can be made to the Council's Corporate Address Gazetteer.

5.3 Environmental Health

No objections. The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 introduced a new mandatory licensing scheme for short term let properties on 1st October 2022. Any short term let properties must comply with the licensing scheme and satisfy the licence conditions adopted by the Council for such properties.

5.4 NatureScot

The development is within the Parallel Roads of Lochaber SSSI noted for its Quaternary of Scotland and Fluvial Geomorphology of Scotland features. These features will not be affected by the proposal.

"Part of the hardstanding is on the edge of a mound. Had we been consulted before; we may have micro-sited the proposal to avoid this feature. The affected feature is an isolated, unclassified ridge/mound and is not part of the main suite of moraine mounds associated with the Brackletter area of the SSSI. Therefore, we advise that the objectives of designation and the overall integrity of the SSSI will not be compromised by this proposal in this location.

To avoid any further damage to the site we would recommend the applicant consults us prior to any further applications for development within the area."

5.5 Scottish Water

No objection to the application. There is sufficient capacity in the Camisky Water Treatment Works. There is no public waste water infrastructure within the vicinity.

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 5 - Soils

Policy 6 - Forestry, Woodland and Trees

Policy 7 - Historic Assets and Places

Policy 13 - Sustainable Transport

Policy 14 - Design Quality and Place

Policy 15 - Local Living and 20 Minute Neighbourhoods

Policy 22 - Flood Risk and Water Management

Policy 23 - Health and Safety

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
- 35 Housing in the Countryside (Hinterland Areas)
- 36 Development in the Wider Countryside
- 44 Tourist Accommodation
- 51 Trees and Development
- 52 Principle of Development in Woodland
- 55 Peat and Soils
- 56 Travel
- 57 Natural, Built and Cultural Heritage
- 61 Landscape
- 62 Geodiversity
- 64 Flood Risk
- 65 Waste Water Treatment
- 66 Surface Water Drainage

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

No specific policies apply.

6.4 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)

Developer Contributions (March 2018)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Highland Historic Environment Strategy (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 None

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 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) siting and design
 - c) impact on SSSI
 - d) drainage and flooding
 - e) servicing
 - f) access and parking
 - g) other material considerations

Development plan/other planning policy

- 8.4 The statutory development plan comprises NPF4, the Highland-wide Local Development Plan (HwLDP) and the West Highland and Islands Local Development Plan (WestPlan). Where there is conflict between the provisions of them, the most recent of the documents shall generally take precedence.
- 8.5 NPF4 Policies 1-3 apply to all development proposals. 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. It is considered that there is ample scope for biodiversity enhancement to be delivered within the application site boundary and this will be secured via planning condition
- 8.6 The key NPF4 policies in the assessment are Policy 29 (Rural Development) which encourages development that will contribute to rural economies and communities; and Policy 30 (Tourism), which encourages, promotes and facilitates sustainable tourism which benefits local people, and supports development proposals for new tourist accommodation in locations identified in the Local Development Plan.
- 8.7 Proposals for tourism related development need to take into account of the contribution made to the local economy and compatibility with the surrounding scale of the activity and impacts of increased visitors. The site is situated between the Main Settlements of Fort William, approximately 10km to the southwest, and Spean Bridge, approximately 4.3km to the southeast.
- 8.8 The site lies within the Fort William Hinterland as defined by the Highland wide Local Development Plan policy 35 (Housing in the Countryside (Hinterland Areas)), where housing development is restricted. However, by virtue of its siting, design and layout the development is considered to meet the definition of tourism accommodation within the Rural Housing guidance and would be unsuitable for permanent residential use.

- 8.9 Policy 44 (Tourist Accommodation) of the Highland wide Local Development Plan identifies that outwith settlements, proposals will be supported if the proposal complies with policy 35.
- 8.10 The site is located within The Parallel Roads of Lochaber Site of Special Scientific Interest (SSSI). NPF4 policy 4(c) (Natural Places) identifies that proposals that will affect a Site of Special Scientific Interest will only be supported where (i) the objectives of designation and the overall integrity of the areas will not be compromised; or ii. any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.
- 8.11 HwLDP policies 57 (Natural, Built and Cultural Heritage) identifies that proposals will be assessed taking into account the level of importance and type of heritage features, the form and scale of the development, and any impact on the feature and its setting. The policy would support proposals which affect features of national importance where it can be shown not to compromise the natural environment, amenity and heritage resource. Where there may be any significant adverse effects, these must be clearly outweighed by social or economic benefits of national importance. It must also be shown that the development will support communities in fragile areas who are having difficulties in keeping their population and services.
- 8.12 Other key planning policies include NPF4 policy 5 (Soils) which seek to protect carbon-rich soils, restore peatlands and to minimise disturbance to soils from development, and offers support for small-scale development directly linked to a rural business, farm or croft even in areas of peatland, carbon-rich soils and priority peatland habitat.
- 8.13 The National Soil Map of Scotland identifies the landform as hummocky valley and slope moraines, classifying the soil as comprising peaty gleyed podzols with peaty gleys with dystrophic semi-confined peat. Nevertheless, the siting of the pods are limited to and sit atop a strip of land, adjacent to an existing track thereby limiting the disturbance of peat. The development is considered to broadly accord with this policy.
- 8.14 Subject to ensuring that the proposal is appropriately sited and designed so as not to have adverse impacts on individual and community residential amenity; and that the objectives of the SSSI designation or site integrity have not been compromised; and that the site can be adequately serviced; then the proposal could be said to comply with the Development Plan.

Siting and design

8.15 The pods are in an isolated position, associated with an existing house, Brackletter Lodge to the north, and on the south side of an existing track which serves the site and provides access to wider commercial forestry. The pods sit immediately to the south of a site previously granted permission (19/03305/FUL) for the siting of four holiday letting pods, which has not been implemented). A later application (20/00435/FUL) for two larger holiday letting units was granted planning permission in 2020 This would have superseded the siting of the four pods (19/03305/FUL). Again, this permission was never implemented and planning permission lapsed

(20.04.2023). The landscape of the site has changed little since these previous permissions although the replanting of trees within the plantation to the north of the site is beginning to take effect. It should be noted that the felling and any future replanting of the wider forest block is managed through a Forest Plan overseen by Forestry and Land Scotland under controls separate to Planning.

- 8.16 The pods are separated visually from Brackletter Lodge by a small stand of pines that have been retained on a knoll to the southwest of the house, however the association between the two developments is clear. The pods are sited on an area that has been levelled and sit on a bed of decorative stone chips and have a north-westerly outlook with views mostly contained to within the area of forestry. The site is not conspicuous in the wider landscape, backdropped by forestry and not visible from wider public views.
- 8.17 The design of the pods is similar to those found on other recent developments within the wider area and is considered to be acceptable within this context.

Impact on SSSI

- 8.18 The proposal is located within The Parallel Roads of Lochaber Site of Special Scientific Interest (SSSI) which is noted for its quaternary fluvial geomorphological features these mainly relate to glacial landforms and sediments arising from the end of the last glacial period around 11000 years before present.
- 8.19 The Nature Conservation (Scotland) Act 2004 at s16 sets out the process for owners or occupiers of land within the SSSI for obtaining consent from NatureScot for operations that are likely to damage an SSSI's protected feature.
- 8.20 Representations refer to NPF4 policy 4 (c) suggesting that the development may impact on the SSSI interest. It is noted that the preparatory groundworks, which are relatively shallow in nature, has resulted in disturbance of ground which relates to the SSSI interest.
- 8.21 NatureScot have indicated that the proposed development could have benefited from micro-siting due to part of the site being located on the edge of a glacial mound but have also noted that the unclassified feature is not part of the main suite of moraine mounds associated with the Brackletter area of the SSSI. Consequently, they have advised that despite the location of the development, they do not consider that the objectives of the SSSI designation or site integrity have been compromised at this location. Accordingly, it is considered that the proposal is acceptable and accords with NPF4 Policy 4(c)(i) (Natural Places).
- 8.22 Furthermore, following this advice from NatureScot, it is considered that the proposal does not have any significant adverse effects and therefore does not compromise the natural environment, amenity and heritage resource as identified by HwLDP policy 57 (Natural, Built and Cultural Heritage).

Drainage and Flooding

8.23 The flood mapping indicates no flooding issues at the site of the pods, although does show small areas of surface water flooding within the immediate area, including on

the access track. It is noted that this track has been significantly upgraded to form a domestic driveway to serve the Brackletter Lodge, and drainage and potential flooding is not considered to be a significant issue in accessing the pods.

Servicing

- 8.24 The pods are to be served by a new septic tank which has been installed to the east side of the pod development. This element is subject to separate approval from Building Standards, and any discharge would be subject to registration under CAR by SEPA.
- 8.25 The pods are close to the applicant's house and a power connection is taken from the driveway. The pods utilise an existing connection to mains water which supplies the main house.

Access and Parking

8.26 The pods are accessed via the private drive that serves Brackletter Lodge. This is adequate to serve the house and the 3 pods. One parking space is provided for each of the pods and this is considered appropriate. The access turning off the minor Highbridge to Camisky Road is satisfactory for this additional development. There is sufficient space for parking associated with each of the pods.

Other material considerations

8.27 Although the scale of the pods is relatively modest, it is considered appropriate to control their use for holiday letting purposes only and that they shall not be used as a principal private residential or be occupied by any family, group or individual for more than three months (cumulative) in any calendar year. This can be controlled by condition.

Non-material considerations

8.28 There are no non-material considerations.

Matters to be secured by Legal Agreement / Upfront Payment

8.29 None

9. CONCLUSION

- 9.1 The proposal seeks approval in retrospect for the siting of 3 holiday pods. It is very unfortunate that the developer has undertaken the groundworks and development of the site including the siting of the pods and foul water drainage system without planning permission.
- 9.2 The three pods are located approximately 50m south of Brackletter Lodge which is owned by the applicant. The site is within an area of popular tourist appeal.
- 9.3 Representations refer to the potential impact of the development on the Parallel Roads of Lochaber SSSI, specifically noting NPF4 policy 4(c)(i) (Natural Places), with support only being afforded to projects where the objectives of designation and

the overall integrity of the areas will not be compromised. NatureScot have indicated that the objectives of the designation and the overall integrity of the SSSI, will not be compromised by this proposal, and therefore it is considered that the proposal accords with this aspect of the Development Plan policy.

- 9.4 The pods are located within an area surrounded by existing forestry, and apart from Brackletter Lodge, there are no other nearby houses on which there could potentially be an amenity impact. Accordingly, their siting, placement, design and materials, are not assessed as having an adverse impact on the landscape, or individual or wider community residential amenity, and therefore the proposal accords with NPF4 policies 4 (Natural Places), 30 (Tourism); and HwLDP polices 28 (Sustainable Design), 36 (Development in the Wider Countryside), and 44 (Tourist Accommodation).
- 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

It 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).

2. The three camping pods hereby approved shall be used for holiday letting purposes only and shall not be used as a principal private residential or be occupied by any family, group or individual for more than three months (cumulative) in any calendar year. For the avoidance of doubt only the pods hereby approved shall be positioned on the site.

Reason: In accordance with the specified use as holiday accommodation and by reason of the pods' small size, their type of design and construction, lack of independent curtilages, the camping pods would be unsuitable for permanent residential accommodation, in accordance with policies 44 and 36 of the Highland wide Local Development Plan.

3. Prior to any further occupation of the three pods hereby approved, full details of a Biodiversity Enhancement Plan shall be submitted to, and approved in writing by, the Planning Authority. Thereafter all biodiversity enhancement measures shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme. The approved biodiversity enhancement measures shall thereafter be maintained in perpetuity.

Reason: To ensure suitable integration of development into the landscape setting and to enhance biodiversity.

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 represent 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.

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.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks and Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Corporate Address Gazetteer Team:

Advises that each property should have its own unique property reference number (UPRN) and request that the applicant/agent notifies us at CAGRequests@highland.gov.uk when the proposed holiday pod is erected so the necessary changes to the Councils Corporate Address Gazetteer can be made.

Short-term Lets

The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 introduced a new mandatory licensing scheme for short term let properties on 1st October 2022. Any short term let properties must comply with the licensing scheme and satisfy the licence conditions adopted by the Council for such properties. Further information on short term lets can be found on the Highland Council website www.highland.gov.uk or by contacting ehstl@highland.gov.uk

Signature: Bob Robertson

Designation: (Acting) Planning Manager South

Author: William Langdon

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 000001 LOCATION PLAN

Plan 2 101 SITE LAYOUT PLAN
Plan 3 102 FLOOR/ELEVATION PLAN
Plan 4 103 FLOOR/ELEVATION PLAN

Appendix 1 – Letters of Representation

None







