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A Gibbs  
Highland Council  
Sent By E-mail

Our ref: PN-270-001  
Planning Authority ref:23/05616/FUL

8 July 2025

Dear Arlene Gibbs

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 SECTIONS 88 –  
PURCHASE NOTICE IN RESPECT OF LAND 280M NW OF RIGSDEN,  
ACHNABOBANE, SPEAN BRIDGE .**

I refer to the Purchase Notice dated 13 January 2025 served on Highland Council under Section 88 of the Town and Country Planning (Scotland) Act 1997 relating to land at Riggsden, Achhabobane, Spean Bridge.

After careful consideration of the information before them, the Scottish Ministers are not satisfied that the condition specified by Section 88(3) (a) of the Act is fulfilled; in their view the land has not become incapable of reasonably beneficial use in its existing state. Accordingly, they hereby notify you that they do not propose to confirm the purchase notice.

If, within the period of 28 days from the service of this letter, you or the applicant so require, the Scottish Ministers will, before confirming their decision as to the purchase notice, afford the applicant or the Council an opportunity of appearing before and being heard by a person appointed by them for that purpose. Please confirm whether you wish a hearing by emailing [planning.decisions@gov.scot](mailto:planning.decisions@gov.scot) or in writing to Planning Decisions, Planning, Architecture and Regeneration Directorate, Scottish Government, Area 2F South, Victoria Quay, Leith, Edinburgh, EH6 6QQ.

A similar letter has been sent to the applicant.

Yours sincerely

*Elaine Ramsay*

**ELAINE RAMSAY**

## **PARD Assessment Report**

### **PN-270-001 - Purchase Notice Assessment – Land 280M NW of Rigsden, Achnabobane, Spean Bridge**

#### **Background**

1. A planning application for the siting of 4 cabins for holiday accommodation and associated infrastructure was refused by Highland Council on 9 July 2024. Subsequently this decision was reviewed by the council's local review body who upheld the reasons for refusal on 18 December 2024.
2. The land is situated within a large commercial conifer forest and remains the subject of a restocking obligation. The land is wholly located in Parallel Roads of Lochaber Site of Special Scientific Interest (SSSI) which is a geomorphological designation and is considered nationally important.
3. Prior to the applicant purchasing the land, it has been noted that unauthorised works had been undertaken on the land, with the land levelled to form a development plot. The Council is currently pursuing enforcement action in respect of the breach of planning control on the Land.

#### **The Applicant's Purchase Notice request**

4. On 12 January 2025, the applicant submitted a purchase notice request following their planning permission refusal and dismissal of appeal. They cited that the reasons for the land becoming incapable of reasonable beneficial use were the planning authority has deemed that no development is suitable on the land; a restocking license relating to the land was not upheld by previous owner(s); the impact of works by previous owner(s) on the land has resulted in significant, irreplaceable, loss of landform and sediment record; and therefore the restoration of the damaged geological landform is not possible.

#### **The Council's Response to the Purchase Notice request**

5. The Council is not willing to comply with the Purchase Notice because they consider the land's existing use is that of woodland and plantation forest and possible improvements can be made to achieve a reasonable beneficial use, notwithstanding its existing state due to unauthorised works.
6. The council acknowledge that the land was levelled to form a development plot and these groundworks, together with the formation of the access track, were not authorised. The council is currently pursuing enforcement action in respect of the breach of planning control on the land. Furthermore, reports of further damage to surrounding land through unauthorised development are being investigated and NatureScot have issued a Nature Conservation Order to protect the wider site which is currently awaiting approval from the Scottish Government.
7. The circumstances which brought about its existing state is not authorised through a breach of planning control and the council is seeking remedial works to be undertaken. The council is of the view that, notwithstanding the unauthorised

development and change of use, the land has an existing and lawful use, and is capable of being reinstated as such.

### **PARD assessment**

8. In accordance with the provisions of the Planning Act, the Purchase Notice has been submitted to Scottish Ministers to consider whether to confirm the Notice or otherwise.

9. PARD agrees with the council that notwithstanding the prior unauthorised development and non-compliance of the restocking license, land does not become incapable of reasonable beneficial use because of the refusal of permission.

10. PARD accepts the councils reasoning that the land is not incapable of beneficial use, that the land has an existing use as woodland and plantation forest, and that it is capable of being reinstated through remedial works.

### **Decision**

11. In conclusion PARD is not satisfied, under Section 88(3)(a) of the 1997 Act, that the land has become incapable of reasonable beneficial use. For the reasons set out above, PARD do not consider that the purchase order should be confirmed.

Planning Decisions

Scottish Government Planning, Architecture and Regeneration Directorate (PARD)

25 June 2025