

Agenda Item	7.2
Report No	PLS/69/25

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 3 December 2025
Report Title: 25/02655/FUL: Ms Wendy McGonigal
Land 190M SW Of Darroch Cottage, Spean Bridge
Report By: Area Planning Manager South

Purpose/Executive Summary

Description: Change of use of land, siting of cabin, shed, formation of hard standing, erection of fence (retrospective)

Ward: 11 - Caol and Mallaig

Development category: Local

Reason referred to Committee: Manager's discretion

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **REFUSE** the application as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 This application relates to plot no.23, measuring 30m by 10m, which is one of at least 26 small plots of land served off the existing Scottish Water access road to the sewage treatment works east of Spean Bridge.
- 1.2 The proposal is for the change of use of this rectangle of land to leisure/recreation use including for overnight stays (in a motorhome on the plot), the formation of approximately 300sqm hard standing covering the site, together with a “day room cabin” 5m by 6m in size and 2.625m high. It is a box-like structure with a flat roof, 1 door on the east elevation and 2 windows, on the north and south elevations. The structure is clad in grey profiled metal sheeting. Also proposed is a shed/store, 4.325m by 2.4m in size and 2.625m in height, divided into two compartments, with a flat roof over the main element and lean-to sloping roof over the smaller element, also in grey profiled metal sheeting. The plot is enclosed by a vertical boarded timber fence 2m high along one side and across half of the frontage, and a green wire mesh fence along the other side together with a 1m high timber fence across the rear. There is a 1m high gate into the plot off the access track. The plot and structures are for personal use by the applicants, who have stated that they did not know that planning permission was required for the development. This is not their permanent residence.
- 1.3 There is a further piece of ground measuring approximately 20m by 10m to the SW of the planning application site in the same land ownership. This part of the plot slopes steeply down to a stream and the edge of the woodland. There is a gate in the fence and steps have been built down this slope and the land has been reprofiled into small terraces and an informal garden created. These works also constitute development (engineering works and possible change of use) and require planning permission. The whole area of this plot shown to be in the applicant's ownership measures approximately 500sqm (300sqm plus 200sqm) – well short of the 865sqm indicated on the application form and site plan.
- 1.4 This is the fourth plot along from the access off the A86; it is approximately 95m from the access junction down a gravel track, which continues past at least 5 more similar plots, to a junction and a lower track that serves a further 17 plots (approximately). Several of the plots have been laid to hard standing and several have cabins and sheds built on them.
- 1.5 There is no fixed water supply, foul or surface water drainage provision for the plot, either private or public. The applicants bring water in the motorhome and dispose of foul waste at a nearby caravan site. Rubbish is taken away in the motorhome also. There are cooking facilities in the cabin, a sofa and dining table; there is no electricity at the site. There is parking for 2-3 vehicles within the plot.
- 1.6 Pre Application Consultation: None
- 1.7 Supporting Information: the applicants have stated that they purchased the land to park their motorhome when they visit the area. The day cabin is for when their grandchildren are staying with them in the motorhome, so they have indoor space during inclement weather. The cabin does not provide sleeping accommodation. The store/shed is for garden furniture. The proposed use would not be all year round but

limited to when they or their family are in the area on holiday. The land was advertised as “Campers Paradise” when they purchased it.

1.8 Variations: None

2. SITE DESCRIPTION

2.1 The site and the land on the SW side of the Scottish Water access road, that is now plots, was covered in woodland in 2020. The land on the other, NE, side of the access track has a line of trees alongside and it is more open behind. The plots have been carved out of the woodland since 2020 and sold on, mostly at auction as cleared level plots.

2.2 The site is approximately 220m east of the Settlement Development Area (SDA) for Spean Bridge, as identified in the WestPlan, and the boundary of the Settlement coincides with that of a recent planning permission (23/02189/FUL) for 12 houses, including 4 affordable flats and a shop, granted permission by the South Planning Applications Committee in June 2025, subject to the completion of a Legal Agreement.

2.3 The Scottish Water service road has an existing junction onto the A86. The land west of the service road and east of the SDA boundary, and between the A86 and the River Spean, is covered by the River Spean Tree Preservation Order (HC142) – made January 2022. The application site, excluding the access road, is within the TPO. The site is not in a flood risk zone – it is elevated in relation to the river, which is over 100m to the south and the flood extent is approximately 87m from the site boundary.

3. PLANNING HISTORY

3.1	27.06.2023	21/03652/FUL: Erection of 9 holiday chalets, south of Coire An Eoin, Tirindrish, Spean Bridge - adjacent site to west	Refused permission
3.2	13.04.2023	23/00103/ENF: Unauthorised Building, Engineering works or Operations – as current application plus adjacent plots	Planning Contravention Notice served
3.3	01.08.2024	24/00236/ENF: Unauthorised Building, Engineering works or Operations – as current application plus adjacent plots	Case Closed

4. PUBLIC PARTICIPATION

4.1 Advertised: Sch 3 development and unknown neighbour

Date Advertised: 07.08.25

Representation deadline: 21.08.25

Timeous representations: 2 public representations and separate objection from the Community Council (see 5.1)

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:
- a) Not sympathetic to the countryside, character of the area or settlement pattern
 - b) Not in accordance with tourism policy 44 of the HwLDP
 - c) No provision for waste-water, refuse – likely to result in pollution and littering, in particular there is a risk of pollution to the River Spean, including from human waste and putting strain on the local waste collection arrangements
 - d) No electricity – the use of generators nearby creates unwanted noise
 - e) Impact on neighbours' amenity
 - f) Poor visibility from the road junction to the east – unsuitable access road
 - g) If granted this application would set a precedent for similar plots nearby
 - h) Similar tactics were used to market sites at Achnabobane
- 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: Object.

The circumstances here are the same as for the recent planning enforcement appeal ref. ENA-270-2079, which was upheld on land to the SW of Achnabobane. This site of 26 plots has been marketed by the same individuals as suitable for lifestyle/recreational purposes in an ancient woodland, cleared and levelled to form sites for development without the necessary planning approval and sold for sums significantly greater than the likely market value for its lawful use.

The Community Council consider the application is inadmissible and should be withdrawn.

Planning Enforcement order 23/00103/ENF was not appealed and is still extant. It covers the whole site but seems to have been ignored by all. The refusal of application 21/03652/FUL on the adjacent site has relevance as many of the NPF4 policies and Highland wide Local Development Plan policies are relevant here.

The site is outwith the Settlement Development Area for Spean Bridge and within the "wider countryside" and within the "Accessible rural" area in terms of NPF4.

Aerial images of the area from 2018 and 2024 illustrate the loss of woodland, believed to have occurred in 2021.

Buyers were liable to reinstatement of the plots if the Council took enforcement action.

The development is contrary to NPF4 policies as follows:

- 1 and 2. Encourage reduction in greenhouse gas emissions – tree removal will have a negative impact on this aim.
- 3. Loss of trees reduces biodiversity – this was valuable habitat for Chequered Skipper butterfly – found in damp woodland edges and glades by the River Spean.
- 5. Impact on soils – the creation of an engineered platform is not in accordance with the mitigation hierarchy, nor will it avoid/minimise impacts on peat.

6. Loss of ancient woodland; adverse effect on native woodland and fragmenting or severing woodland habitats. The development also fails to achieve significant and clearly defined additional public benefits.

13. No direct and safe links to local facilities by walking, wheeling and cycling. Not accessible to public transport. No charging points for electric vehicles. The access junction is on a 60mph stretch of the A86.

14. The site is visible from the main road and not secluded. The development is poorly designed, detrimental to the amenity of the surrounding area and inconsistent with the six qualities of successful places.

29. The development will not contribute to viability, sustainability and diversity of rural communities and neither will it contribute to rural community. Does not meet any of the criteria in paras a, b or c of policy 29 [of NPF4].

30. The site is not identified in the Development Plan as a possible caravan site. It will have an unacceptable effect on the local amenity and character of the area.

There are several existing local sites providing for motorhomes, that have permission, pay their taxes and business rates. It is inconceivable that someone can buy a plot in an ancient woodland and destroy the environment and seek retrospective planning permission with no water, sewerage or electricity.

The development also fails to accord with policies 28, 29, 30, 36, 44, 51, 52, 56, 57 and 58 of the Highland wide Local Development Plan, and the Placemaking Priorities in the WestPlan.

The Community Council has a degree of sympathy for those who believed they had purchased a lifestyle dream, often spending their life savings on the pursuit of an exaggerated promotional vision in an online auction only for it to turn into a nightmare. The CC are primarily responsible for the community that elected it, and this application repeatedly fails to meet the criteria identified in NPF4 and the HwLDP.

There are another 25 plots which have undergone similar development with structures erected without the necessary planning permission and we don't intend to create a precedent by agreeing to a retrospective request.

An order to require the reinstatement of trees should be pursued to return the woodland to its former state.

5.2 **Forestry Officer:** Object

The site was completely covered in broadleaf woodland until some point in 2021. An aerial photo from May 2020 shows closed canopy woodland over this area. The woodland was then largely removed from the site and hard standing introduced, as shown in aerial photography from Sept 2023.

The site is not recorded in the Ancient Woodland Inventory but given the age of the oak trees to the rear of the site and the area appearing as woodland on the First Edition Ordnance Survey mapping from the 1860s there is an argument to say it should have been included. The southern part of the site is recorded within the Native Woodland Survey of Scotland as native wet woodland.

A Tree Preservation Order was served on 29 Oct 2021, and it covered a large area of woodland between the A86, the sewage works, the River Spean and Spean Bridge. The TPO included this site, but was not confirmed within six months, and so lapsed.

An area of native broadleaf woodland around 30m by 10m has been removed and hard standing introduced. There has been additional impact on remaining woodland at the rear of the site through excavation into the root protection area of a neighbouring oak tree to the south-east and through construction of concrete steps in the Root Protection Areas of trees to the rear of the site.

The proposals do not accord with NPF4 Policy 6 a) as they do not enhance, expand or improve woodland and tree cover.

The proposals do not accord with NPF4 Policy 6b) ii) as they have required adverse impacts on native woodlands of high biodiversity value.

The proposals do not accord with NPF4 Policy 6 c) which states that “Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal.”

- 5.3 **Scottish Water:** No objections. This does not confirm that the development can be serviced. There is live infrastructure in the proximity of the development. The applicant must identify any potential conflicts with Scottish Water assets. Any conflicts will be subject to restrictions on proximity of construction.
- 5.4 **Transport Scotland:** The Director does not propose to advise against the granting of permission. TS is not aware of any prior planning applications or permissions for any other plots in the area referred to as “Campers Paradise”.

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 13 - Sustainable Transport

Policy 14 - Design Quality and Place

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
- 31 - Developer Contributions
- 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
- 58 - Protected Species
- 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

Biodiversity Enhancement Planning Guidance (May 2024).

Developer Contributions (March 2018)

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 Scottish Government Planning Policy and Guidance

Control of Woodland Removal Policy

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 trees and woodland
 - c) Impact on protected species
 - d) Access and travel
 - e) Impact on services
 - f) Developer contributions
 - g) any other material considerations

Development plan/other planning policy

- 8.4 NPF4 was adopted in February 2023, and policies within it are material to the consideration of the application alongside the West Highlands and Islands Local Development Plan, 2019 and Highland wide Local Development Plan 2012. Where there is conflict between policies, NPF4 is afforded greater weight in decision making given it is the most recent statement of planning policy.
- 8.5 The development requires planning permission because it comprises the use of the land for the siting of some form of accommodation (the motorhome) and associated engineering operations involving the creation of hardstanding and siting of a cabin and shed. This 'plot' is one of at least 26 plots; it relies on access across land outwith the applicant's control and it is one component of a single, wider parcel of land now in multiple ownerships. In considering an enforcement appeal in similar circumstances (ref. ENA-270-2055 – Achnabobane (21.07.2025)) the Reporter regarded the whole as a single planning unit, and that a material change of use had occurred. It should be noted that this decision is currently being tested in the Court of Session. In this instance overnight stays regularly take place whereby the applicants sleep in the motorhome. The use of the land for that purpose does not occur only when the site is occupied, however. The creation of hard standing and siting of the cabin and shed also constitute development requiring planning permission.
- 8.6 The development is not a residential unit; the site is more akin to a static caravan site, or a "hutting" development, as defined in NPF4:
- "A simple building used intermittently as recreational accommodation (i.e. not a principal residence), having an internal floor area of no more than 30m²; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removeable with little or no trace at the end of its life. Huts may be built singly or in groups."
- Reforestation Scotland's Thousand Huts Campaign - Good Practice Guide states:
- "There are no permitted development rights for huts. A planning application will be required for all hut developments, and the application will provide details of what is proposed – including any decking, canopies or external toilets."

On this basis the application should be assessed primarily against policies 29 and 30 of NPF4: Rural development and Tourism, and policies 36, 43 and 44 of the Highland wide Local Development Plan: Development in the Wider Countryside and Tourism.

- 8.7 NPF4 Policy 29 (Rural development) states that developments that contribute to the viability, sustainability and diversity of rural communities and local economy will be supported, including in ten stated circumstances as set out in para (a). The proposals would not meet any of the ten stated circumstances.
- 8.8 Para (b) states that development in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.
- 8.9 This plot and the wider group of plots are not in keeping with the character of the area in impacting on an area of high-quality native oak woodland. The users of the plot, and others on nearby plots, do contribute towards local living to a greater or lesser extent in using local services and facilities. The site is relatively well served by public transport; however, users mainly travel to the site in their own vehicles.
- 8.10 NPF4 Policy 30 (Tourism) deals with proposals for new tourist facilities and accommodation, including caravan and camping sites. Para b) states that such proposals will take into account:
- i) The contribution made to the local economy;
 - ii) Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;
 - iii) Impacts on communities, for example by hindering the provision of homes and services for local people;
 - iv) Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;
 - v) Accessibility for disabled persons;
 - vi) Measures taken to minimise carbon emissions;
 - vii) Opportunities to provide access to the natural environment.
- 8.11 The plot together with others in the group is not compatible with the surrounding area in that an area of oak woodland has been felled to accommodate the plots. The inevitable disturbance caused by people staying on these plots together with their pets will also have an impact on the nature conservation value of the remaining woodland. Without prejudice, it is considered highly unlikely that development proposals within this woodland would receive a positive recommendation for approval, and so the creation of these plots has not hindered the provision of homes and services for local people. There is an allocated site for residential development, recently granted planning permission (23/02189/FUL) (subject to a legal agreement) a short distance to the west opposite the primary school. The application site is well served by public transport, however in this instance the applicants bring their mobile home to serve as their overnight accommodation as well as a means of transport, as well as a car. This plot is relatively accessible to disabled persons, although not the steps from the rear of the plot down to the riverbank, and some of the other plots are less accessible due to the rough track surface and the nature of the (unauthorised) cabins on them. This

site does not have a generator – others do; and the motorhome provides heat and power, and there is a gas cooker in the cabin. The site as a whole does provide an opportunity for plot owners to access the natural environment – although its very provision has diminished and degraded its quality.

- 8.12 NPF4 Policy 30 (Tourism) Para (d) Proposals for huts will be supported where the nature and scale of the development is compatible with the surrounding area, and the proposal complies with relevant good practice guidance.
- 8.13 The cabin and shed individually meet elements of the Huts Campaign Good Practice Guide in respect of each having a floor area no more than 30sqm, but cumulatively they exceed this threshold, and they are not connected to mains water, electricity or sewerage. However, they are not built of low impact materials; being more akin to temporary steel container type buildings as used on construction sites. They are removeable and would leave little or no trace by themselves, however the hardstanding on which they are placed could not now be removed leaving little or no trace as an area of woodland – trees and the ground flora beneath - has been removed to create the plot and hard standing.
- 8.14 The guidance states that the 20th century model of Scottish hutting was such that huts were built within a few miles from hutters' permanent dwellings as a retreat that people could easily access on a regular basis. This plot is approximately 145 miles from the owner's permanent home.
- 8.15 The Thousand Huts Campaign's Good Practice Guidance requires careful consideration to be given to impacts on the environment and existing communities. It states that hutting should be in balance with the natural environment and particular care is required where there is potential for effects on a site designated for its natural heritage or landscape value. This plot, individually and as part of the wider site, has had an adverse impact on the oak woodland due to the removal of trees and damage to the remaining trees and their roots caused by the clearing of open plots of ground, the formation of a track and the hard standings.
- 8.16 Policy 36 of the HwLDP states that such development in the wider countryside will be assessed against the following criteria as to the extent that they:
- are acceptable in terms of siting and design;
 - are sympathetic to existing patterns of development in the area;
 - are compatible with landscape character and capacity;
 - avoid incremental expansion of one particular development type within a landscape whose distinct character relies on an intrinsic mix/distribution of a range of characteristics;
 - avoid, where possible, the loss of locally important croft land; and
 - can be adequately serviced

This plot, together with the site as a whole, is not sympathetic to existing patterns of development, in being beyond the Spean Bridge settlement envelope (Settlement Development Area) and in an area of oak woodland. It is not compatible with the landscape character and capacity for the reasons given above. It would not be appropriate to service the sites given its inappropriate location within the woodland.

- 8.17 Policies 43 and 44 of the HwLDP seek development that safeguards, manages or enhances natural heritage features, and development that can be achieved without adversely affecting the landscape character or the natural heritage features of the area. This development does not achieve this for the reasons given above.
- 8.18 The development is contrary to policies 29 and 30 of NPF4, and policies 36, 43 and 44 of the Highland wide Local Development Plan.

Impact on trees and woodland

- 8.19 The site is within an area covered by a Tree Preservation Order (HC142) which was made in January 2022, although never confirmed due to legal difficulties given the subsequent sub-division of the land into many separate parcels of land owned by many individuals who were difficult to identify and notify. It was of a quality worthy of this protection.
- 8.20 The ancient woodland designation abuts this site, to the west, and is shown as “Other on Roy Map”.
- 8.21 Policy 6 of NPF4 (Forestry Woodland and Trees) states in para (b) that development will not be supported where they result in:
- i) Any loss of ancient woodlands, or adverse impact on their ecological condition;
 - ii) Adverse impacts on native woodlands and individual trees of high biodiversity value
 - iii) Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy

Para (c) states that development involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal.

- 8.22 Policy 51 of HwLDP promotes significant protection to existing trees. The Trees, Woodland and Development Supplementary Guidance identifies the main principles for the protection and management of trees and woodland in relation to development.
- 8.23 Policy 52 puts the onus on the applicant to demonstrate the need to develop a wooded site and to show that the site has capacity to accommodate the development. There is a strong presumption in favour of protecting woodland resources. Development is only supported where it offers clear and significant public benefit.
- 8.24 The hutting Good Practice Guide states that consideration should be made of the Scottish Government’s policy on Control of Woodland Removal.
- 8.25 The development was undertaken without planning permission, and without any consideration of the trees or woodland. No tree survey and arboricultural report was undertaken and no mitigation measures taken to minimise the tree loss or impact on woodland. The woodland is of sufficient quality to merit a Tree Preservation Order, and the works to create this plot, and the wider site, have significantly impacted the woodland.

- 8.26 A comparison of the aerial photos from 2018 and 2024 illustrates this, submitted as part of the Community Council objection, together with aerial images provided by the Forestry Officer from May 2020 and Sept 2023, and with photos taken in March 2023 by a local resident, which prompted the enforcement complaint and initial enforcement action. The development provides no overriding public benefit that would outweigh the strong policy presumption to protect the woodland.
- 8.27 The development is contrary to policy 6 of NPF4 and policies 51 and 52 of the HwLDP together with the Supplementary Guidance on Trees Woodland and Development and the Scottish Government Control of Woodland Removal Policy.

Impact on Protected species

- 8.28 No protected species surveys have been undertaken in support of the application. The woodland is likely to support bats and pine marten which are European Protected Species as well as other protected and non-protected species. Its location alongside the riverbank means that it is likely to have significant nature conservation value. The development is therefore also contrary to policy 3 of NPF4 (Biodiversity) and policy 58 of the HwLDP.

Access and travel

- 8.29 The access off the A86, which is an existing service track to the Scottish Water Waste Water Treatment Works is acceptable. Transport Scotland have no objections to its use for this additional development. However, they note that they have not been required to consider the additional traffic generated by all of the small plots that have been created off this access.
- 8.30 Whilst these plots are readily accessible by bus and train to Spean Bridge, this plot is being used to site a mobile home which is being driven from the applicants' permanent home in the Central Belt. Visitors to other plots in the area do appear to be generally travelling to the site by private car. There is no pavement or cycle path between the village, east of the primary school to this site, a distance of approximately 450m.
- 8.31 The Good Practice Guidance for huts states that where tracks are proposed they must be absolutely necessary for the practical functioning of the site, and that they should be as low impact as possible both visually and environmentally. This plot is served off an existing gravel track serving the waste-water treatment works. However, a new track spurs off the existing service track beyond this plot and this has clearly damaged tree roots which have been severed and are protruding from the embankment at the side of the track – this further track is not included in this application, however.

Impact on Services

- 8.32 In this instance the applicants use their motorhome to provide water, power and waste-water storage which is brought to and removed from the site as necessary. They use a local caravan site to dispose of grey water waste and waste from a chemical toilet. Other waste and recycling are taken away and disposed of properly off site.

- 8.33 They do not have a generator on this plot. There are no renewables (e.g. solar panels) on this plot. There is no open fire pit or similar on this plot – the neighbouring plot has a barbeque grill on the land to the rear of the plot.

Developer Contributions

- 8.34 Not applicable as this is not a permanent dwelling house, or capable of being permanently occupied.

Other material considerations

- 8.35 None

Matters to be secured by Legal Agreement / Upfront Payment

- 8.36 None

9. CONCLUSION

- 9.1 The development is within a mature native oak wood greater than 0.1ha in size and an unknown number of trees have been lost to form the plot and hard standing. No tree survey or report or mitigation measures were undertaken to mitigate the impact of the development, which is retrospective, on trees. The woodland is of high biodiversity value given its position along the riverbank. The development is not of overriding public benefit that would outweigh the strong policy presumption to protect the woodland, and it is thereby contrary to policy 6 of NPF4 and policies 51 and 52 of the HwLDP together with the Council's Supplementary Guidance on Trees Woodland and Development and the Scottish Government Control of Woodland Removal Policy.
- 9.2 The development is contrary to policy 30 of NPF4 by virtue of not being compatible with the surrounding native oak woodland in terms of the impact of the hard standing and the additional activity and disturbance to the woodland.
- 9.3 The cabin and shed cumulatively exceed the guidance in Reforesting Scotland's Thousand Huts Campaign New Hutting Developments Good Practice Guidance on the planning, development and management of huts and hut sites, with respect to their floor area, which together exceeds 30sqm, and unsustainable materials for the cabin and shed, which are steel modular structures set within a 300sqm plot which is entirely laid to hard standing. The development could not be removed leaving little or no trace because of the loss of woodland comprising trees and the ground flora beneath.
- 9.4 The development is not in balance with, nor compatible with the native woodland and the area's natural heritage and landscape value. The development fails to accord with Policy 29 of NPF4 because it is not suitably scaled, sited and designed to be in keeping with the character of this woodland area.
- 9.5 It also fails to accord with Policy 36 of the Highland wide Local Development Plan because it is not sympathetic to existing pattern of development in being beyond the settlement development area of Spean Bridge, and incompatible with the landscape character and capacity of the oak woodland.

- 9.6 The development does not safeguard, manage or enhance the woodland and it adversely affects the landscape character of this natural heritage feature, contrary to Policies 43 and 44 of the HwLDP.
- 9.7 No protected species surveys, reports nor mitigation measures were undertaken to avoid, minimise and mitigate the impact of construction and of the development which is retrospective. It is likely that European Protected Species are, and were, present within this native oak woodland and have been adversely affected by the development.
- 9.8 The Council served a Planning Contravention Notice on the whole site on 13 April 2023, and this obliged the recipient (not the current applicant) to provide details as sought by the Notice, such as the identity of all persons with an interest in the land, the purpose of the developments and dates that development was undertaken. No response was received to this Notice. Follow up enforcement enquiries were undertaken in May 2024 following the delivery of a modular unit and storage shed and the regular use of plots by camper vans and motorhomes. The current application was submitted after the applicants in this case sought their own planning advice. There remains an ongoing enforcement liability on this site and the wider area relating to unauthorised engineering works, use of land, structures and tree removals.
- 9.9 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of 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

Recommended to **REFUSE** the application for the following reasons:

1. The development has resulted in the loss of trees within high quality mature native oak woodland. No tree survey, report or mitigation measures were undertaken to avoid, minimise or mitigate impacts from the formation of the plot and construction of the hard standing. The development is not of overriding public benefit that would outweigh the strong policy presumption to protect the woodland, and it is thereby contrary to policy 6 (Forestry Woodland and Trees) of NPF4 and policies 51 and 52 of the Highland wide Local Development Plan, together with the Council's Supplementary Guidance on Trees Woodland and Development, and the Scottish Government's Control of Woodland Removal Policy.
2. The development is contrary to policy 30 (Tourism), para (d) of NPF4, in not being compatible with the woodland in terms of the impact of the hard standing displacing trees and the additional activity and disturbance to the woodland.

The development does not meet the guidance in Reforesting Scotland's Thousand Huts Campaign New Hutting Developments Good Practice Guidance on the planning, development and management of huts and hut sites.

The development also fails to accord with Policy 29 (Rural Development), para (b) of NPF4, in not being suitably scaled, sited and designed to be in keeping with the character of this woodland area.

It also fails to accord with Policies 43 and 44 of the Highland wide Local Development Plan because it adversely affects the landscape character and capacity of the oak woodland, and fails to safeguard, manage or enhance the woodland.
3. The site is not sympathetic to the existing pattern of development, in being beyond the Spean Bridge Settlement Development Area and in an area of oak woodland. It is not compatible with the landscape character and capacity, and it would not be appropriate to service the site given its inappropriate location within the woodland.

The development is thereby contrary to policies 36, 43 and 44 of the Highland wide Local Development Plan.
4. The loss of trees and woodland is likely to have had an adverse impact on protected species, including bats and pine marten which are European Protected Species. No protected species surveys have been undertaken prior to the site's development, and its location close to the riverbank means that it is likely to have significant nature conservation value. The development is thereby contrary to policy 3 (Biodiversity) of NPF4, policy 58 of the Highland wide Local Development Plan, and Highland Statutorily Protected Species Supplementary Guidance March 2013.

Signature: Bob Robertson

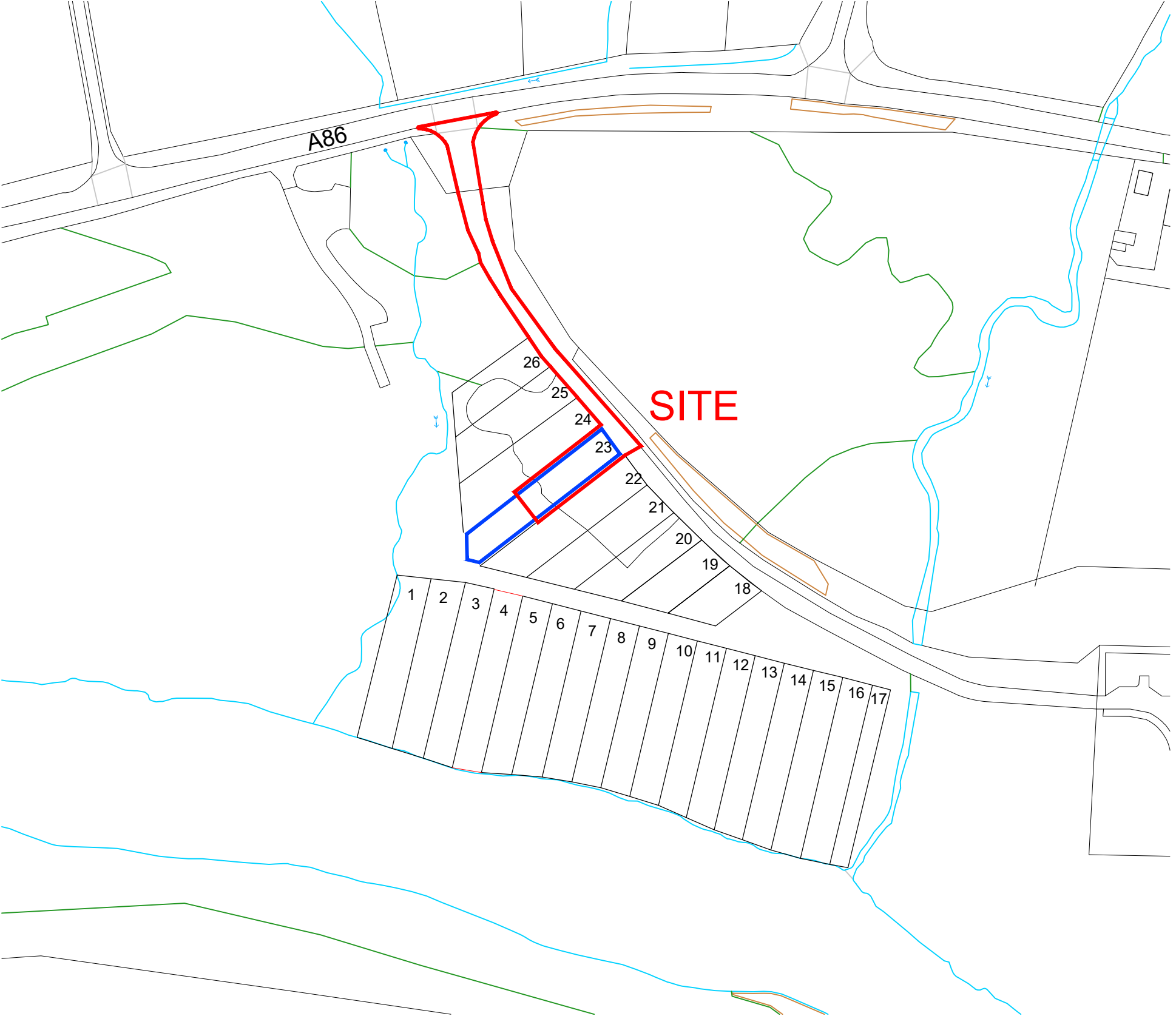
Designation: Area Planning Manager - South

Author: Lucy Prins

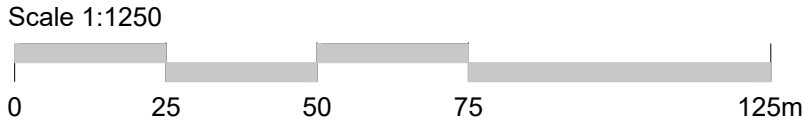
Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 - Location Plan M1287 /PL01
Plan 2 - Site Layout Plan M1287/PL02 Rev A
Plan 3 - Floor Elevation Plan Day Room/ cabin M1287/PL03

Plan 4 - Floor Elevation Plan shed/store M1287/PL04

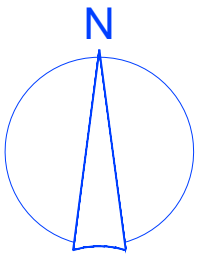


Location Plan (1:1250)



NO REPRODUCTION PERMITTED WITHOUT CONSENT
© blueprint architecture & design limited · 2025

Refer to written dimensions only.
Do Not Scale.



SPEAN BRIDGE

PLANNING

 **blueprintarchitecture**

RIBA CHARTERED ARCHITECTS

19 HIGH STREET | TAIN | ROSS-SHIRE | IV19 1AB

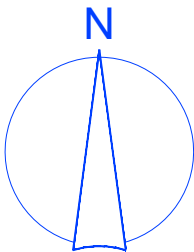
MAIL@BLUEPRINTARCHITECTURE.COM | 01862 892900

Client	Mr & Mrs McGonigal	Scale	noted
Project	Plot 23 Campers Paradise, Spean Bridge, Fort William PH32 4EU		
Title	Location Plan	Size	A3
Drawing No.	M1287 / PL01		Rev -



NO REPRODUCTION PERMITTED WITHOUT CONSENT
© blueprint architecture & design limited · 2025

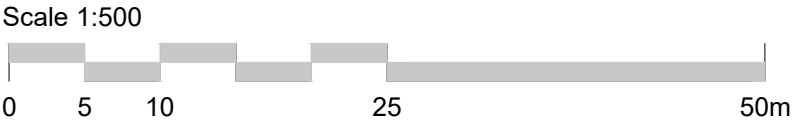
Refer to written dimensions only.
Do Not Scale.



SPEAN BRIDGE



Site Plan (1:500)



PLANNING

 **blueprintarchitecture**

RIBA CHARTERED ARCHITECTS

19 HIGH STREET | TAIN | ROSS-SHIRE | IV19 1AB

MAIL@BLUEPRINTARCHITECTURE.COM | 01862 892900

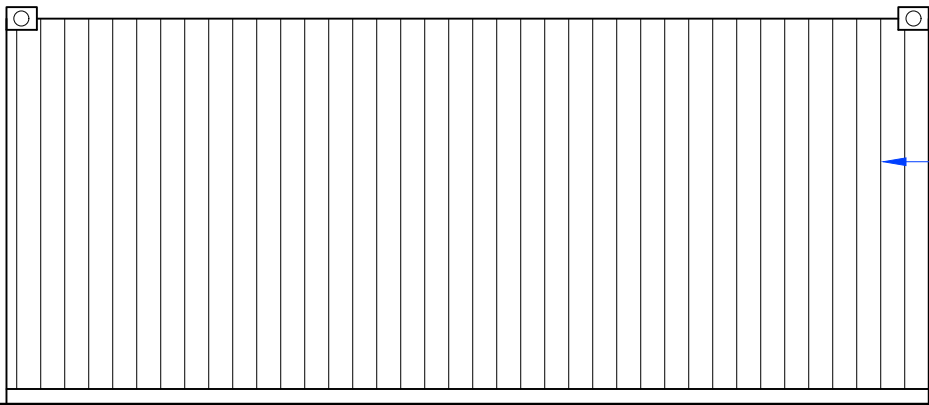
Client	Mr & Mrs McGonigal	Scale	noted
--------	--------------------	-------	-------

Project	Plot 23 Campers Paradise, Spean Bridge, Fort William PH32 4EU		
---------	--	--	--

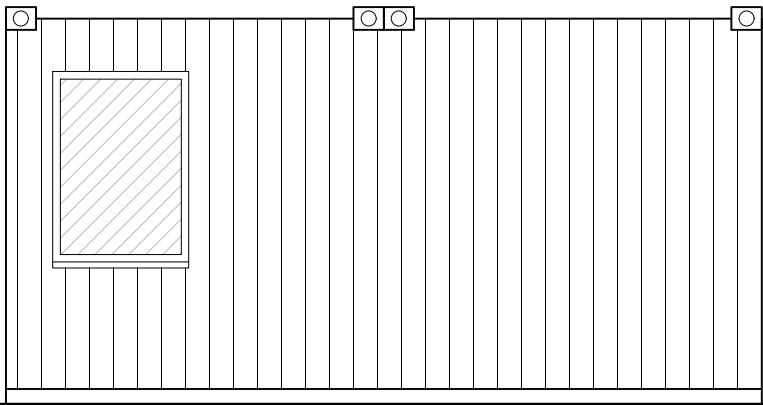
Title	Site Plan	Size	A3
-------	-----------	------	-----------

Drawing No.	M1287 / PL02	Rev	A
-------------	---------------------	-----	----------

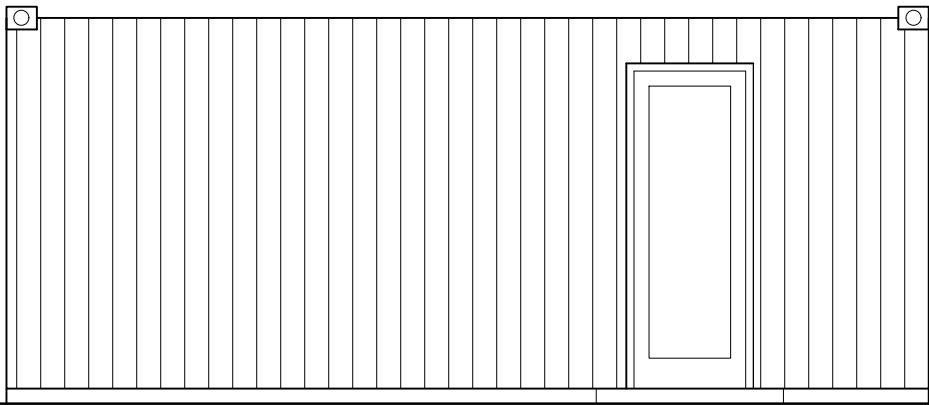




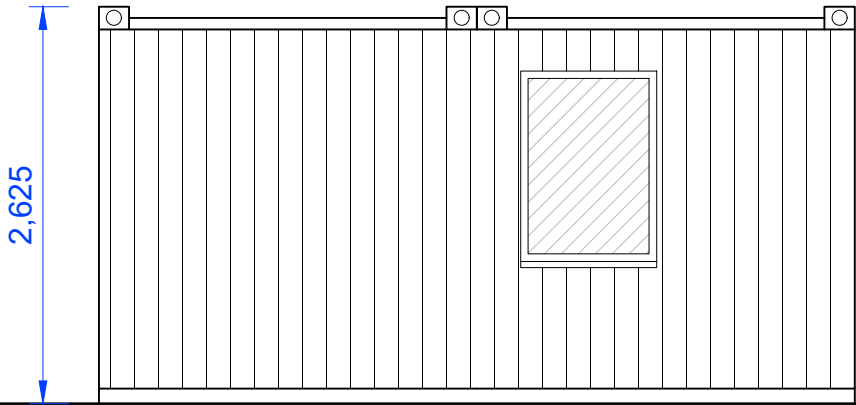
West Elevation (scale 1:50)



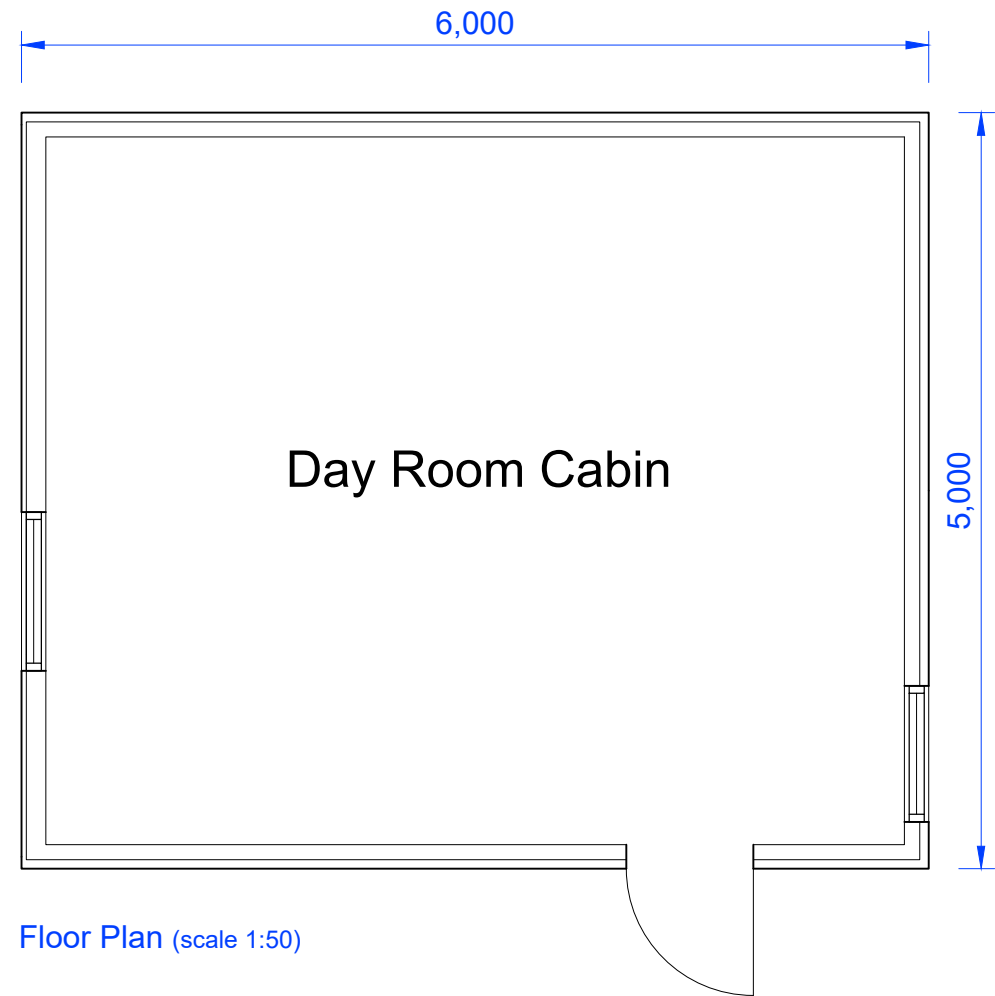
North Elevation (scale 1:50)



East Elevation (scale 1:50)



South Elevation (scale 1:50)



Floor Plan (scale 1:50)

NO REPRODUCTION PERMITTED WITHOUT CONSENT
© blueprint architecture & design limited · 2025

Refer to written dimensions only.
Do Not Scale.

PLANNING



blueprintarchitecture

RIBA CHARTERED ARCHITECTS

19 HGH STREET | TAIN | ROSS-SHIRE | IV19 1AB

MAIL@BLUEPRINTARCHITECTURE.COM | 01862 892900

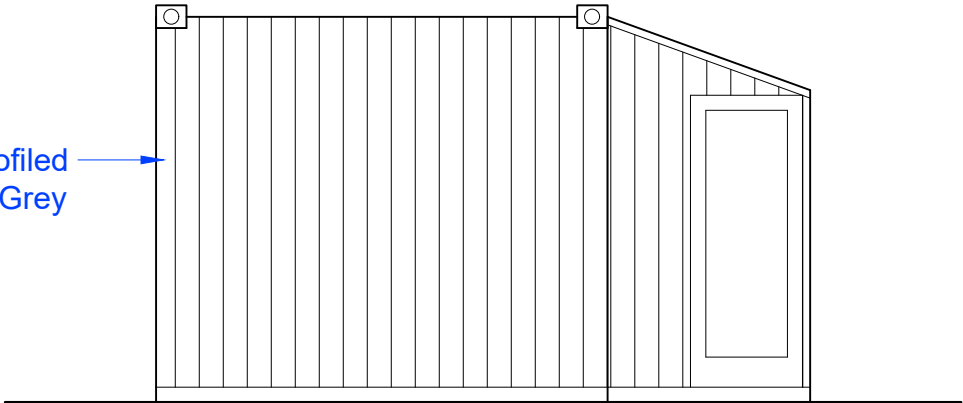
Client	Mr & Mrs McGonigal	Scale	noted
Project	Plot 23 Campers Paradise, Spean Bridge, Fort William PH32 4EU		
Title	Cabin Floor Plan & Elevations		Size A3
Drawing No.	M1287 / PL03		Rev -

0 10 Millimetres 100

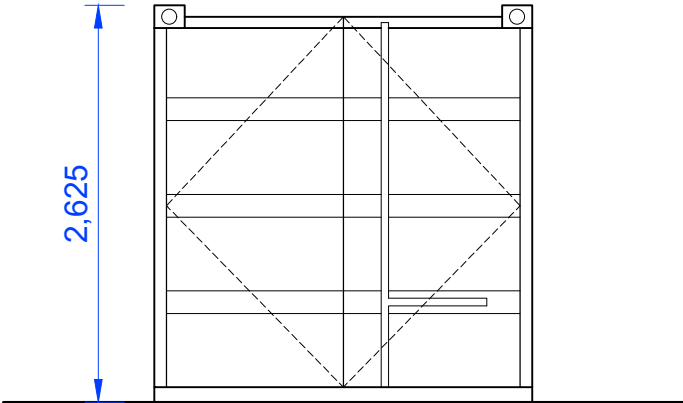
NO REPRODUCTION PERMITTED WITHOUT CONSENT
© blueprint architecture & design limited · 2025

Refer to written dimensions only.
Do Not Scale.

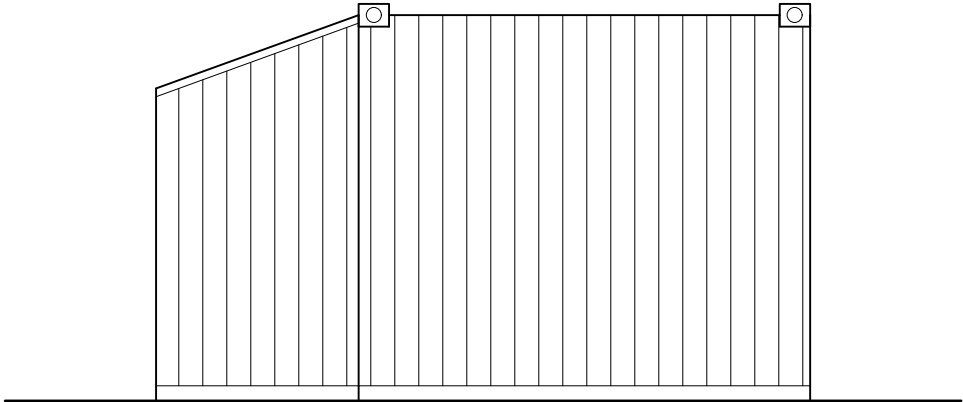
Walls Metal Profiled
Colour: Grey



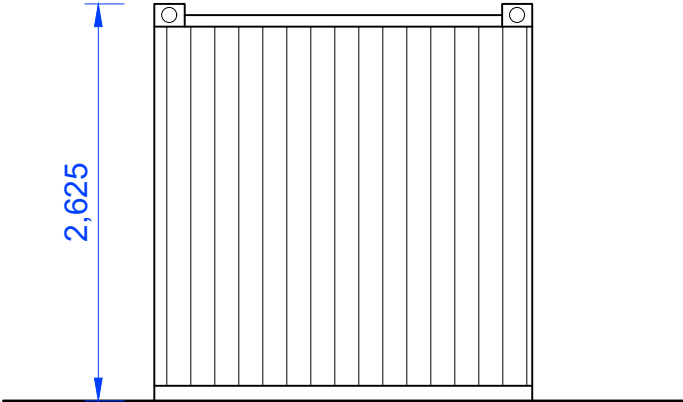
West Elevation (scale 1:50)



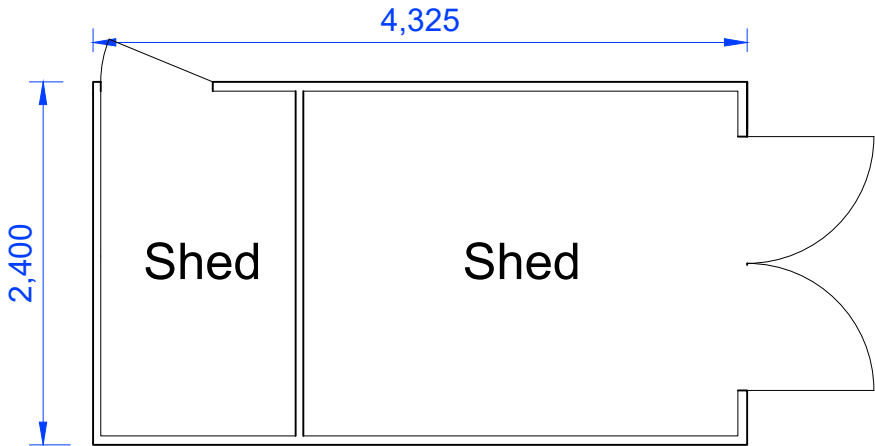
North Elevation (scale 1:50)



East Elevation (scale 1:50)



South Elevation (scale 1:50)



Floor Plan (scale 1:50)

PLANNING

 **blueprintarchitecture**

RIBA CHARTERED ARCHITECTS

19 HGH STREET | TAIN | ROSS-SHIRE | IV19 1AB

MAIL@BLUEPRINTARCHITECTURE.COM | 01862 892900

Client	Mr & Mrs McGonigal	Scale	noted
Project	Plot 23 Campers Paradise, Spean Bridge, Fort William PH32 4EU		
Title	Shed/ Store Floor Plan & Elevations		Size A3
Drawing No.	M1287 / PL04		Rev -

