| | |
|---|---|
| Agenda Item | **7.11** |
| Report No | **PLS/74/26** |

**HIGHLAND COUNCIL**

**Committee:** South Planning Applications Committee

**Date:** 2 December 2026

**Report Title:** 26/03127/FUL: Mr and Mrs Barclay

Land 10M South of Studleigh, Studleigh, 9B Auldcastle Road, Inverness

**Report By:** Area Planning Manager - South

## Purpose/Executive Summary

**Description:** Erection of short term let accommodation

**Ward:** 16 – Inverness Millburn

**Development category:** N10B – Other Developments Local

**Reason referred to Committee:** 5 or more objections

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** the application as set out in section 11 of the report

## 1. PROPOSED DEVELOPMENT

1.1 The proposal is for the erection of a short term let cabin on land associated with 'Studleigh' at 9B Auldcastle Road in Inverness. The cabin would be sited where a stone garage once stood.

1.2 The cabin is 5.6m long and 3.7m wide with a flat roof, finished in horizontal grey cedral cladding, and with a flat roof. It would have a maximum occupancy of 2 people.

1.3 The cabin would use a dedicated parking space within the curtilage of the house which is also a short term let with a 2-person maximum occupancy. A portion of the existing boundary wall is to be removed to facilitate the parking area.

1.4 Pre Application Consultation: None

1.5 Supporting Information: Operational Management Plan

1.6 Variations: None

## 2. SITE DESCRIPTION

2.1 The site is located in the rear garden of Studleigh 9B Auldcastle Road in the Crown area of Inverness. The original villa was subdivided into 4 properties some time ago. 'Studleigh' is a single storey one bedroom flat with an extension.

2.2 To the east is the Crown Bowling Green, to the west is garden ground relating to one of the subdivided properties, to the north is a large, detached house with garden across Auldcastle Road and to the south is an outbuilding associated with another property and its garden ground beyond. The site is within the Inverness (Crown) Conservation Area.

## 3. PLANNING HISTORY

3.1 22.07.2025 24/05281/FUL – Erection of Short-Term Letting Unit Refused

## 4. PUBLIC PARTICIPATION

4.1 Advertised: Section 65 – Affecting Conservation Area, Uknown Neighbour Advert

Date Advertised: 21.08.2026

Representation deadline: 11.09.2026

4.2 Timeous representations: 7 from 7 separate parties

4.3 Late representations: None

4.4 Material considerations raised are summarised as follows:

a) Concentration of short term lets: The introduction of this unit would result in too high a concentration of short term lets in this location.

b) Noise. The existing short term let at Studleigh is poorly managed and its guests have been making a noise nuisance and that this is likely to be exacerbated by the current proposal. Letters of support state that there have been no issues regarding noise and the existing unit is appropriately managed and this is likely to continue under the current proposal.
c) Waste management: the management of the existing short term let has resulted in poor waste management. Letters of support dispute this.
d) Parking: the proposal would intensify parking to an unacceptable level.
e) Use not compatible with Conservation Area and is not an acceptable use within a Conservation Area.
f) Impact on residential character and amenity: the proposal would result in an unacceptable impact to the residential character and amenity of the area.
g) Impact on water infrastructure: there have been water pressure issues within the area and that the erection of the short term let cabin would exacerbate this.
h) Security: the introduction of the proposed cabin would result in a security issue to the detriment of neighbours. Letters of support state that the applicant should invest in security measures for the site.
i) Economic Benefit: the local area benefits from tourism and that the introduction of another unit that does not prejudice local housing supply would be beneficial.

4.5 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet https://www.highland.gov.uk/planning/view-comment-planning-applications.

## 5. CONSULTATIONS

5.1 **Crown Community Council:** Objection. Recognise that the proposal has been materially revised and that the reduced footprint and additional landscaping has addressed some of the concerns identified in the previous refusal. However, the proposal still does not meet the tests within NPF4 Policy 30 and would have an unacceptable impact on residential amenity arising from cumulative intensification of short term lets, parking and other site related constraints, and adverse impact on the Crown Conservation Area.

5.2 **Historic Environment Team – Conservation:** No objection. Advise that NPF4 Policies 7 d) and e) are the most relevant. The building will be visible from Auldcastle Road and the colour of the horizontal siding and the roof is of most importance. These colours should reflect a more natural tone based on the stone garage that was once in place in this location, therefore consideration should be given to a more neutral colour which would emphasise the horizontal flat roof form siting above the boundary wall. The consideration of the colour would also be appropriate based on the unit's location and should therefore be recessive and not a dark grey. The Historic Environment Team (Conservation) has no concerns with the principle of this proposal.

5.3 **Scottish Water:** No objection. There is currently sufficient capacity for a water connection in the Inverness Water Treatment Works and the Allanfearn Waste Water Treatment Works for the development to be serviced. However, this will be investigated further once a formal application has been submitted.

## 6. DEVELOPMENT PLAN POLICY

6.1 The following policies are relevant to the assessment of the application

**National Planning Framework 4 (2023) (NPF4)**

6.2 Policy 1 - Tackling the Climate and Nature Crises
Policy 2 - Climate Mitigation and Adaptation
Policy 3 - Biodiversity
Policy 7 - Historic Assets and Places
Policy 14 - Design Quality and Place
Policy 15 - Local Living and 20 Minute Neighbourhoods
Policy 30 - Tourism

**Highland Wide Local Development Plan 2012 (HwLDP)**

6.3 28 - Sustainable Design
29 - Design Quality and Place-making
34 - Settlement Development Areas
44 - Tourist Accommodation
57 - Natural, Built and Cultural Heritage
65 - Waste Water Treatment
66 - Surface Water Drainage

**Inner Moray Firth Local Development Plan 2 (2024) (IMFLDP2)**

6.4 Policy 1 – Low and Zero Carbon Development

Policy 2 – Nature Protection Restoration and Enhancement

Policy 8 – Placemaking

**Highland Council Supplementary Planning Policy Guidance**

6.5 Managing Waste in New Developments (March 2013)

Sustainable Design Guide (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.

8.2 In addition, Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that, the Planning Authority has to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

**Determining Issues**

8.3 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**

8.4 The key considerations in this case are:

a) compliance with the development plan and other planning policy

b) planning history and design

c) impact on character and amenity

d) Impact on infrastructure and services

e) any other material considerations

**Development plan/other planning policy**

8.5 NPF4 Policy 7 (Historic Assets and Places) states that development proposals in or affecting Conservation Areas will only be supported where the character and appearance of the Conservation Area and its setting is preserved or enhanced. Relevant considerations include the architectural and historic character of the area, existing density, built form and layout, context and siting, quality of design and suitable materials.

8.6 NPF4 Policy 14 (Design, Quality and Place) states that development proposals will be designed to improve the quality of an area whether in rural or urban locations and regardless of scale. The policy also states that development proposals will be supported where they are consistent with the six qualities of successful places and will not be supported if they are poorly designed and are detrimental to the six qualities.

8.7 NPF4 Policy 30 (Tourism) states that proposals for tourism related development will take into account: the contribution made to the local economy, compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors, impacts on communities, for example by hindering the provision of homes and services for local people, opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas, accessibility for disabled people, measures to minimise carbon emissions, and opportunities to provide access to the natural environment.

8.8 IMF2LDP Policies 1 and 2 apply to all scales of development within the Inner Moray Firth Local Development Plan area. Proposals for new development must minimise carbon emissions and enhance biodiversity. Careful planning and design of proposals should consider these issues and follow the mitigation hierarchy with the aim of protecting and enhancing nature networks.

8.9 NPF4 Policies 1-3 apply to all development proposals nationwide. 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.

**Planning history and design**

8.10 Previously, there was an application made for a similar proposal (24/05281/FUL) that was refused on the grounds that it was of poor design taking away significant private amenity space, prejudicing the potential for a return to residential use of the associated property, impacting negatively on residential amenity, and for failing to include biodiversity enhancement.

8.11 There are some key differences in the built form of the previous proposal (24/05281/FUL) and the current proposal. These include a significantly reduced overall footprint and scale of building, while also improving upon its material finishes. The exact colour can be agreed via condition to ensure that the building is appropriate for the Crown Conservation Area. Overall, the proposal is appropriately sited and designed.

8.12 The previous project (24/05281/FUL) was considered to result in overdevelopment because its size and scale would remove virtually all private amenity space from 'Studleigh'. The revised proposal is smaller and sited away from the boundary, retaining a significant portion of amenity space for Studleigh. In reducing the footprint, the opportunity to provide a biodiversity enhancement has been taken with indicative tree planting shown. This can be secured via condition.

**Impact on character and amenity**

8.13 The original proposal (24/05281/FUL) was to introduce a large, physically overbearing structure on nearly the entirety of Studleigh's garden ground. The revised proposal uses the far smaller footprint of the old garage which is much more appropriate with regards to scale and massing, and is considered to preserve the character of the Conservation Area as required by s64 of the Planning (Listed Buildings and Conservations Areas) (Scotland) Act 1997. The removal of a portion of wall is considered necessary for the proposal and does not conflict with the statutory duty of the Planning Authority because the wall is not considered to be architecturally significant, in its own right, and much of the wall will remain.

8.14 The proposal is not considered to impact neighbouring amenity by the nature of its use. The maximum occupancy of the cabin is 2 persons, which is not considered to be materially significant in terms of impact on residential amenity of neighbours. The site layout plan shows that there is a dedicated space for the proposed unit, and for Studleigh. The submitted Operational Management Plan outlines that the spaces will not be used by guests during changeover periods. Accordingly, the existing on-street parking provision would not be prejudiced by the application, preserving the amenity of the street.

8.15 The transient nature of guests using the proposed cabin is recognised, however the occupancy and positioning of the cabin is not considered to increase it to a level to where this would become detrimental to the character and amenity of the area. The siting and design of the proposed unit reflects a footprint and position similar to the footprint of the original garage, and would not prejudice the amenity space of Studleigh, preserving its suitability for residential use; furthermore, its position and scale are not considered to resultant in a physically overbearing structure to the detriment of neighbours. Therefore, the proposal is acceptable and considered to comply with NPF4 Policies 7, 14, and 30.

8.16 Cumulatively, the introduction of this additional unit is not considered to lead to an unacceptable proliferation of short term let accommodation. The Crown area remains primarily residential, however, does contain other uses, including short term letting. The proposal does not remove an existing residence and is therefore acceptable in this regard.

**Impact on infrastructure and services**

8.17 The proposal is not expected to impact on the existing infrastructure within the area. Scottish Water has confirmed that there is sufficient capacity within its infrastructure.

**Other material considerations**

8.18 There are no other material considerations relative to the determination of this application.

**Non-material considerations**

8.19 The personal character of individuals referred to in representations is not a material planning consideration. The management of other short term let units in the area is not a material planning consideration.

## 9. CONCLUSION

9.1 The proposal is for the erection of short term letting unit on the site of a former garage at Studleigh, 9B Auldcastle Road, Inverness.

9.2 The proposal is not considered to result in an unacceptable loss of residential amenity, and accords with policies 14 and 30 of NPF4, taking into account relevant planning history, impact on access and infrastructure, design, and preserving the character of the Inverness Crown Conservation Area.

9.3 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 |

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. Prior to the commencement of development, details of the colour and finish of all external materials shall be submitted to and approved in writing by the Planning Authority. The development shall then proceed in accordance with the approved details.

   **Reason**: To safeguard the character and appearance of the area and to ensure a satisfactory finish to the development.

## 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 represents 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).

**Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: http://www.highland.gov.uk/yourenvironment/roadsandtransport

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

**Mud and Debris on Road**

Please note that it an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

**Construction Hours and Noise-Generating Activities**

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

**Protected Species – Halting of Work**

You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species

| | |
|---|---|
| Signature: | Bob Robertson |
| Designation: | Area Planning Manager - South |
| Author: | Ross McAteer |
| Background Papers: | Documents referred to in report and in case file. |
| Relevant Plans: | Plan 1 - 1069/300 REV H - Location/Site Layout Plan |
| | Plan 2 - 1067/301/F – Site Layout Plan |
| | Plan 3 - 1067/302 REV G - Elevation Plan |
| | Plan 4 - 1067/303 - Elevation Plan |




**Location Plan (1:2500)**




**Block Plan (1:1000)**

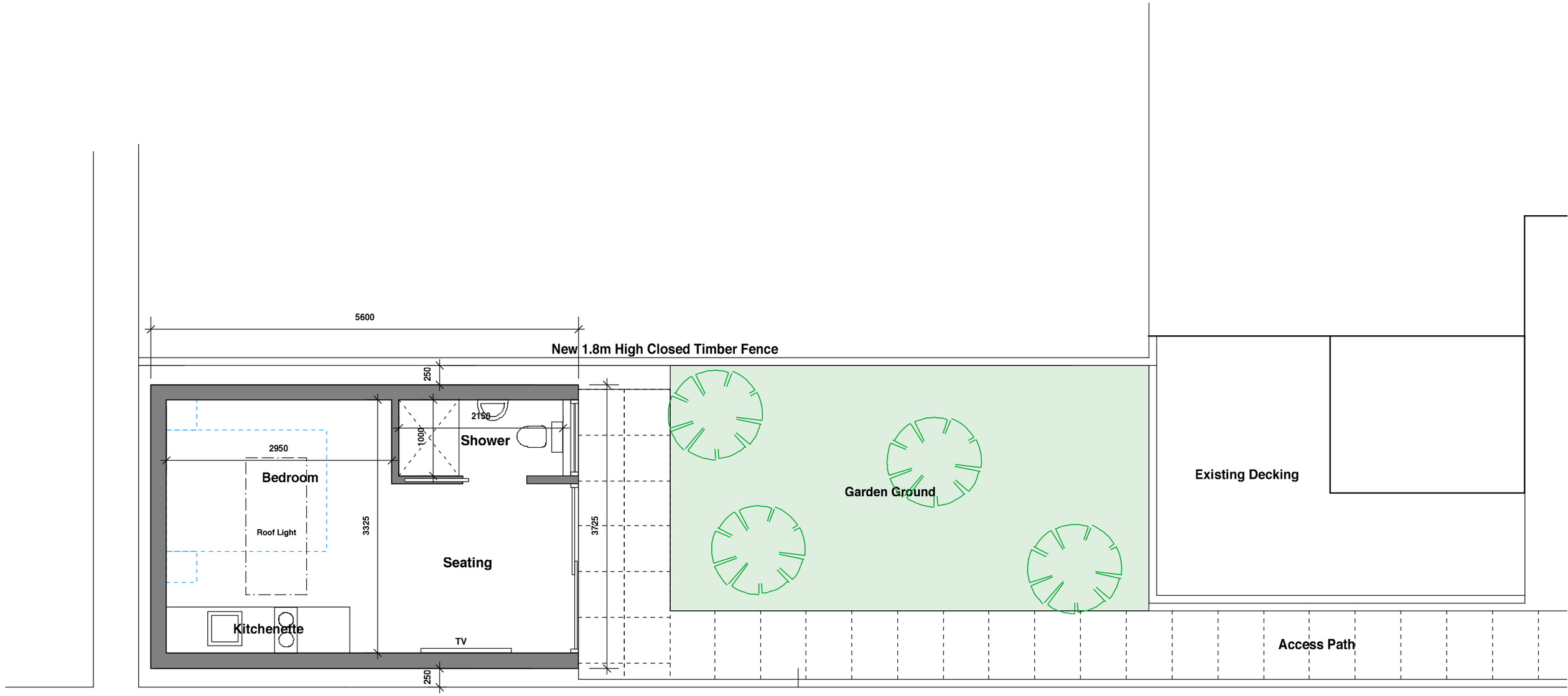



**Site Plan (1:150)**

0 10

**Scale in Metres**

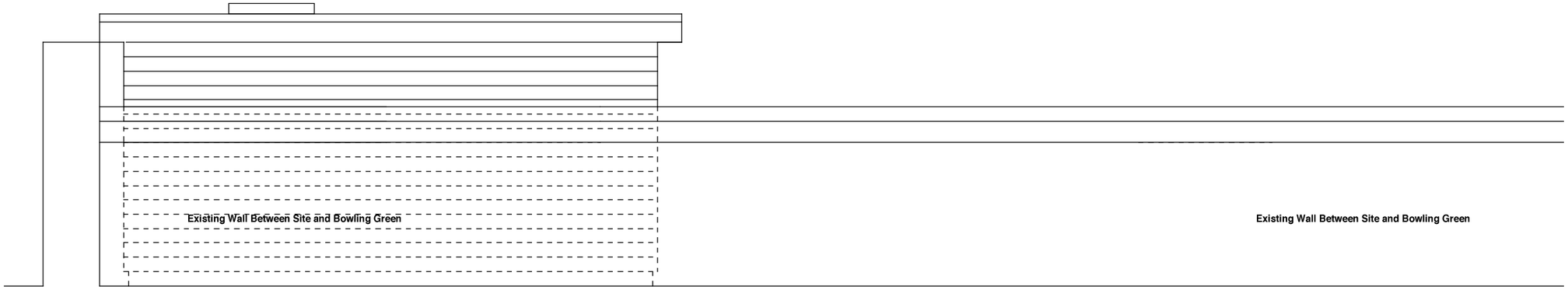
| | | | | |
|---|---|---|---|---|
| **PROJECT:** Proposed Garden Room 9b Auldcastle Road Invernes | **NOTES:** DO NOT SCALE ALL DRAWINGS MUST BE CHECKED PRIOR TO COMMENCEMENT AND ANY DISCREPENCIES MUST BE REPORTED TO THIS OFFICE | ORMONDE ARCHITECTURE ○ DESIGN ○ PROJECT MANAGEMENT | **DRAWING TITLE:** Location & Site Plan | **SCALE:** 1:2500; 1000; 150 |
| | | | | **DATE:** 10.12.2024 |
| | | | **CLIENT:** Mr & Mrs M Barclay | **DRAWN:** D.M. **REV:** - |
| | | | | 1069/300/H |



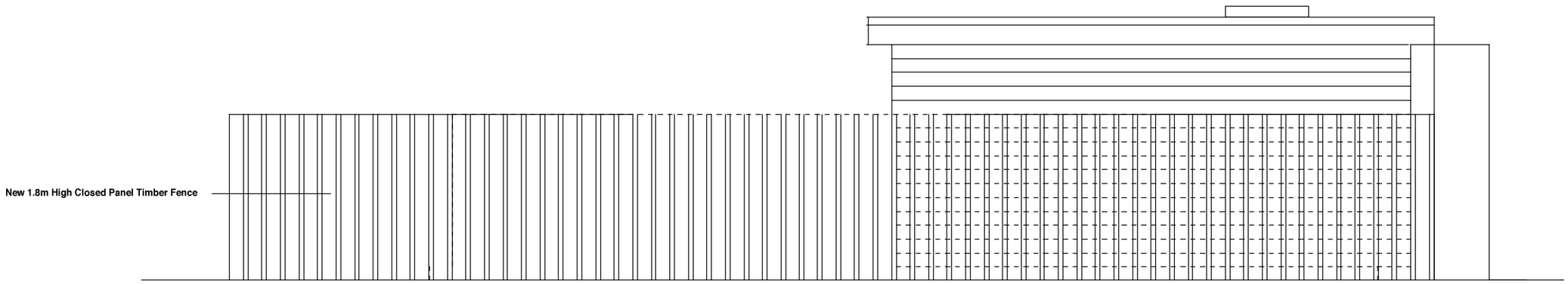

0 5

Scale in Metres

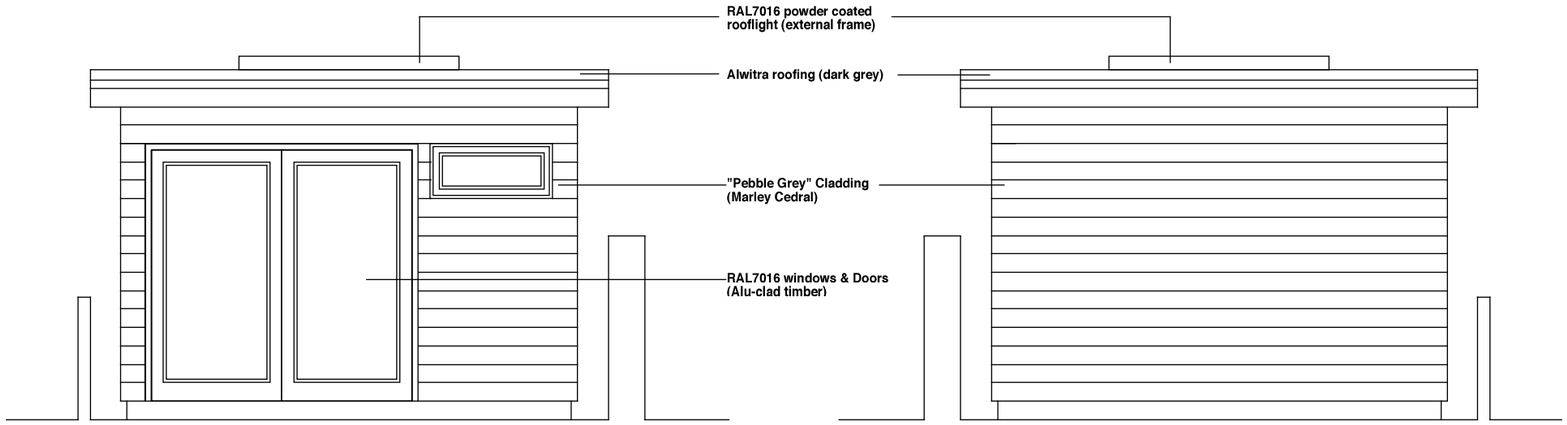
| | | | | |
|---|---|---|---|---|
| PROJECT:<br>Proposed Garden Room<br>9b Auldcastle Road<br>Invernes | NOTES:<br>DO NOT SCALE<br>ALL DRAWINGS MUST BE CHECKED PRIOR TO COMMENCEMENT AND ANY DISCREPENCIES MUST BE REPORTED TO THIS OFFICE | ORMONDE<br>ARCHITECTURE O DESIGN O PROJECT MANAGEMENT | DRAWING TITLE:<br>Proposed Plan | SCALE: 1:50 @ A3<br>DATE: 10.12.2024 |
| | | | CLIENT:<br>Mr & Mrs M Barclay | DRAWN: D.M. REV: -<br>1067/301/F |




## South East Elevation

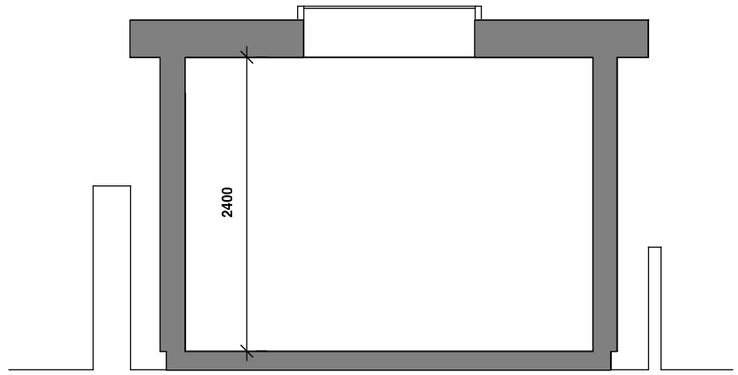



## North West Elevation




## North East Elevation

## South West Elevation

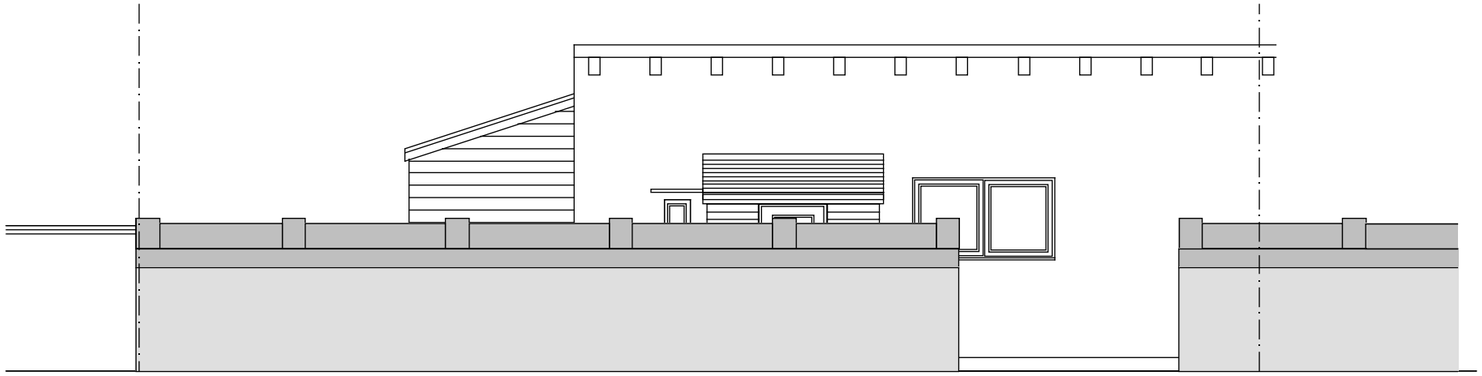



## Section

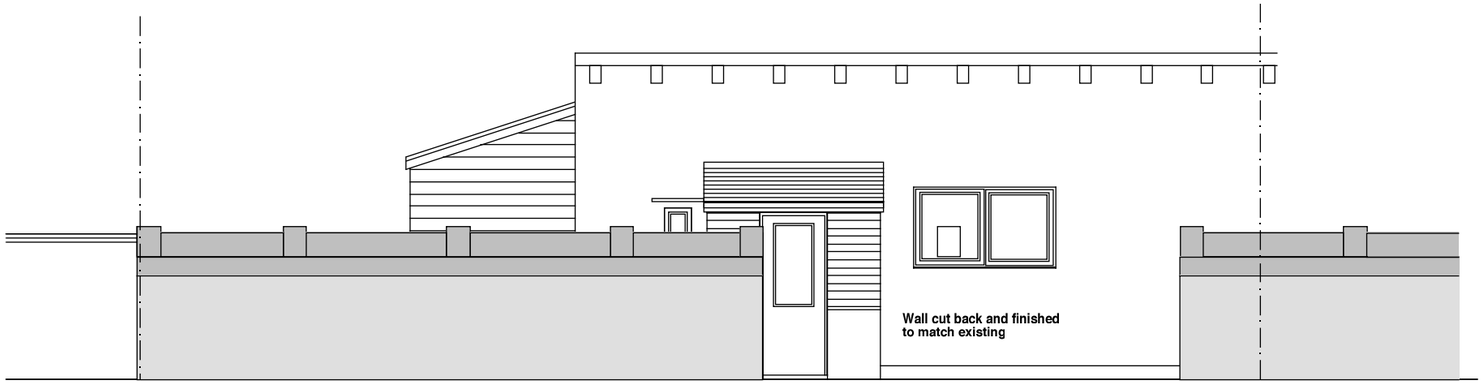
0 5

## Scale in Metres

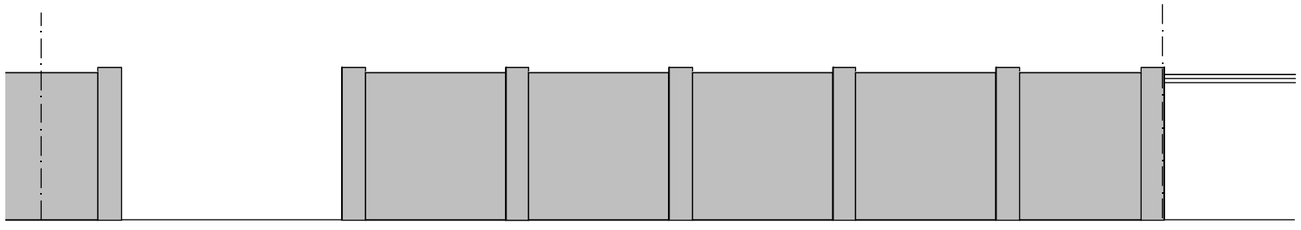
| | | | | |
|---|---|---|---|---|
| **PROJECT:** Proposed Garden Room 9b Auldcastle Road Invernes | **NOTES:** DO NOT SCALE ALL DRAWINGS MUST BE CHECKED PRIOR TO COMMENCEMENT AND ANY DISCREPENCIES MUST BE REPORTED TO THIS OFFICE | ORMONDE ARCHITECTURE O DESIGN O PROJECT MANAGEMENT | **DRAWING TITLE:** Elevations & Section | **SCALE:** 1:50 @ A3 |
| | | | | **DATE:** 10.12.2024 |
| | | | **CLIENT:** Mr & Mrs M Barclay | **DRAWN:** D.M. **REV:** - |
| | | | | 1067/302/G |



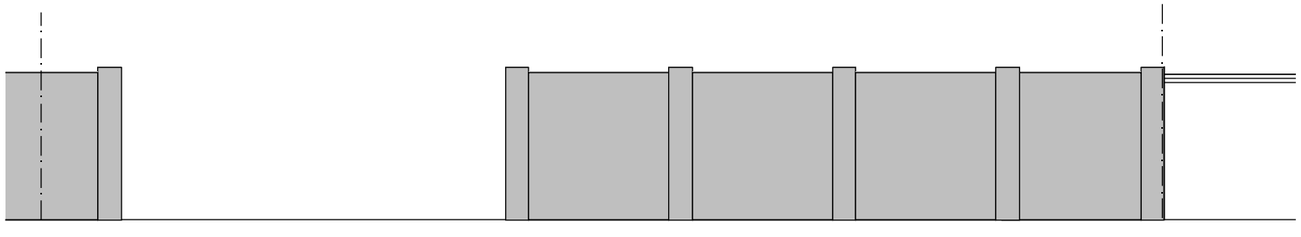
North East Elevation (Existing)




North East Elevation (Proposed)



South West Elevation (Existing)



South West Elevation (Proposed)

0 5

Scale in Metres



Existing Photograph



Proposed Photograph

| | | | | |
|---|---|---|---|---|
| PROJECT:<br>Proposed Garden Room<br>9b Auldcastle Road<br>Invernes | NOTES:<br>DO NOT SCALE<br>ALL DRAWINGS MUST BE CHECKED PRIOR TO COMMENCEMENT AND ANY DISCREPENCIES MUST BE REPORTED TO THIS OFFICE | ORMONDE<br>ARCHITECTURE ○ DESIGN ○ PROJECT MANAGEMENT | DRAWING TITLE:<br>Wall to Auldcastle Road<br><br>CLIENT:<br>Mr & Mrs M Barclay | SCALE: 1:75 @ A3<br>DATE: 29.07.2026<br>DRAWN: D.M. REV: -<br>1067/303 |