Agenda Item	**7.12**
Report No	**PLS/75/26**

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 2 December 2026

Report Title: 26/02932/FUL: Inshriach Nursery

Inshriach Nursery, Aviemore

Report By: Area Planning Manager - South

Purpose/Executive Summary

Description: Formation of vehicular access road

Ward: 20 – Badenoch and Strathspey

Development category: N10B – Other Developments Local

Reason referred to Committee: Ward Member referral

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

1. PROPOSED DEVELOPMENT

1.1 The proposal seeks planning permission for the construction of an access track to provide a separate vehicular access to the Nursery Cottages from the B970.

1.2 Existing parking arrangements associated with the cottages will be retained, while the existing access serving the cottages will be closed and thereafter used solely in connection with the applicant's main dwelling. The development is limited to the formation of the new access track, and no other physical alterations are proposed to the property as part of this application.

1.3 Pre Application Consultation: None

1.4 Supporting Information: Flood map, Supporting Statement, Construction Method Statement, Design Statement

1.5 Variations: None

2. SITE DESCRIPTION

2.1 The site is located at Inshriach to the south of Aviemore. The Nursery Cottages comprise a pair of semi-detached dwellings located at the northern end of the garden grounds of Inshriach Nursery. The cottages are currently accessed via a shared private access track taken from the B970, which passes adjacent to the main dwellinghouse and terminates at the parking area serving the cottages.

2.2 The northern and western boundaries of the cottage garden grounds are defined by established rows of mature Picea (spruce) trees, planted as part of the former nursery operation. Beyond the garden boundary to the north and north-east, the wider landscape is characterised by woodland, the majority of which is identified as Ancient Woodland.

2.3 The site is bounded by the B970 to the north-east, Ancient Woodland to the north, and a neighbouring dwellinghouse to the south-east. Land immediately to the south remains within the applicant's ownership and comprises the former nursery grounds and the principal dwellinghouse.

2.4 The site lies within the Cairngorms National Scenic Area, and part of the site is identified as being at medium risk of river flooding, while ecological records indicate the potential presence of protected species within the surrounding area.

3. PLANNING HISTORY

3.1	16 September 1998	98/00170/OUTBS - outline application for erection of 3 self-catering units; construction of new access and sewage treatment plant	Permission granted
3.2	7 March 2000	00/00007/FULBS - Erection of Greenhouse	Permission granted
3.3	18 June 2002	02/00123/FULBS - Alterations and change of use of workroom to tearoom	Permission granted

4. PUBLIC PARTICIPATION

4.1 Advertised: Strathspey and Badenoch Herald - Unknown Neighbour 14 Days

Date Advertised: 3 September 2026

Representation deadline: 17 September 2026

Timeous representations: 0

Late representations: 1

4.2 Material considerations raised are summarised as follows:

a) Loss of and adverse impact on Ancient Woodland

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 **Scottish Water** raised no concerns in relation to the proposal.

5.2 **Forestry Team** object - due to the potential adverse impacts on the Ancient Woodland and the lack of demonstrated avoidance of, or mitigation for, these impacts. The proposed access track would pass through an area of Ancient Woodland and is recorded on the National Forest Inventory Scotland (2021) as broadleaved woodland. This woodland is also identified on the Native Woodland Survey of Scotland as mature upland birchwood adjacent to the public road, transitioning to wet woodland further north of the proposed access track. Concerns were also raised in relation to the infilling needed to address the existing change in ground level between the public road and the cottage garden grounds.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

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

Policy 1 - Tackling the Climate and Nature Crises

Policy 2 - Climate Mitigation and Adaptation

Policy 3 - Biodiversity

Policy 4 - Natural Places

Policy 6 - Forestry, Woodland and Trees

Policy 13 - Sustainable Transport

Policy 16 - Quality Homes

Policy 22 - Flood Risk and Water Management

Policy 29 - Rural Development

6.2 **CNPA Local Development Plan (2021)**

Policy 1 - New Housing Development

Policy 3 - Design And Placemaking

Policy 4 - Natural Heritage

Policy 10 – Resources

6.3 **Cairngorms National Park Guidance**

1 - New Housing Development, Non-statutory Guidance

3 - Sustainable Design, Non-statutory Guidance

4 - Natural Heritage, Supplementary Guidance

10 - Resources, Non-statutory Guidance

6.4 **Other Guidance**

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

Flood Risk & Drainage Impact Assessment (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL CONSIDERATIONS

7.1 **Scottish Government Planning Policy and Guidance**

Designing Streets

Creating Places

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

8.3 The key considerations in this case are:

a) compliance with the development plan and other planning policy
b) impact on amenity and character of the area
c) impact on infrastructure and services
d) any other material considerations

Development plan/other planning policy

8.4 NPF4 Policy 6 (Forestry, Woodland and Trees) seeks to protect woodland resources and states that development proposals will not be supported where they would fragment or sever Ancient Woodland or adversely affect its ecological condition. In addition, NPF4 Policy 4 (Natural Places) requires that development proposals do not have an unacceptable impact on the natural environment. Similarly, CNPLDP Policy 4 (Natural Heritage) contains a strong presumption against the removal of Ancient Semi-Natural Woodland, including sites identified within the Ancient Woodland Inventory, recognising such woodland as an irreplaceable resource.

8.5 NPF4 Policy 4 (Natural Places) states that development proposals likely to have an adverse effect on species protected by legislation will only be supported where the relevant statutory tests are met. Likewise, CNPLDP Policy 4 (Natural Heritage) states that development which would have a significant adverse effect on any protected species will not be permitted unless it can be demonstrated that there are imperative reasons for overriding public interest and that no satisfactory alternative solution exists.

8.6 NPF4 Policy 16 (Quality Homes) supports householder development proposals where they do not have a detrimental impact on the character or environmental quality of the home and the surrounding area, taking account of factors such as scale, design and materials. Furthermore, Policy 13 (Sustainable Transport) seeks to ensure that development proposals provide safe access arrangements and do not have an unacceptable impact on the safety and operation of the transport network.

Impact on amenity and character of the area

8.7 The immediate surroundings of the application site are characterised by woodland with only a limited number of nearby residential properties. The proposed access track would pass through an area of ancient woodland of semi-natural origin. While this section of woodland has been replanted with non-native species and is identified as a Plantation on Ancient Woodland Site (PAWS), it remains important due to its ecological value, including the associated woodland soils and habitats.

8.8 This area of ancient woodland forms part of a wider woodland corridor extending along both sides of the B970 and is not confined to the immediate vicinity of the former nursery site. The introduction of an access track through this area would therefore result in the fragmentation of the ancient woodland, affecting its ecological condition and would require the removal of, or construction works in proximity to, several mature trees.

8.9 Furthermore, the difference in ground levels between the public road and the garden grounds would necessitate engineering operations to facilitate the access, potentially including excavation, filling, and the construction of retaining features. Such works have the potential to affect woodland soils, tree root protection areas and associated habitats, resulting in further adverse impacts on the ancient woodland resource.

8.10 The surrounding area is also known to support protected species, including badger, pine marten and red squirrel. In addition, the potential presence of other protected species, including wildcat, otter and bats, cannot be discounted. The loss and fragmentation of woodland habitat, together with disturbance associated with the construction and use of the access track, has the potential to adversely affect protected species and their habitats.

8.11 As a consequence of the above, the proposal is considered to have an unacceptable impact on the ancient woodland and has the potential to affect protected species. Accordingly, the proposal is not considered to comply with the aims of NPF4 Policies 3, 4, and 6, together with Policy 4 of the CNPLDP.

Impact on infrastructure and services

8.12 Informal discussions with the Council's Roads team raised concerns regarding the

suitability and safety of the proposed access onto the B970. To meet the required visibility standards, a visibility splay of 90 metres in both directions would be required at the proposed junction with the public road. However, having regard to the alignment and characteristics of the B970 at this location, together with the presence of existing vegetation and landform constraints, it is considered unlikely that the required visibility splays can be achieved within land under the applicant's control or without further adverse impacts on the surrounding woodland. Accordingly, the proposal is considered contrary to the objectives of CNPLDP Policy 3 and NPF4 Policy 13.

Other material considerations

8.13 None

Non-material considerations

8.14 None

Developer Contributions

8.15 Developer contributions would not be required in connection with this development.

9. CONCLUSION

9.1 Planning permission is sought for the construction of an access track to provide a separate vehicular access to the Nursery Cottages from the B970. While the proposal would provide an independent access arrangement for the two dwellings, the proposed track would pass through an area of ancient woodland of semi-natural origin, identified as a Plantation on Ancient Woodland Site (PAWS). The development would result in the fragmentation of this woodland habitat and has the potential to adversely affect its ecological condition, integrity and associated soils. In addition, the surrounding area is known to support protected species, and the proposal has the potential to result in habitat loss and disturbance to protected species interests. The proposal also raises road safety concerns, as it has not been demonstrated that the required visibility splays can be achieved at the proposed junction with the B970. In the absence of satisfactory visibility standards, it cannot be concluded that a safe means of access can be provided.

9.2 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

The application is recommended for refusal for the reasons set out below:

Reasons for Refusal

1. The proposed access track would pass through an area of Ancient Woodland resulting in fragmentation of an irreplaceable woodland habitat. The associated engineering works have the potential to adversely affect the ecological condition of the woodland and protected species interests. The proposal is therefore contrary to National Planning Framework 4 Policies 3 (Biodiversity), 4 (Natural places) and 6 (Forestry, woodland and trees), and Policy 4 (Natural Heritage) of the Cairngorms National Park Local Development Plan.

2. It has not been demonstrated that the required visibility splays can be achieved at the proposed junction with the B970. As a result, a safe and suitable means of access has not been established. The proposal is therefore contrary to National Planning Framework 4 Policy 13 (Sustainable transport) and Policy 3 (Design and Placemaking) of the Cairngorms National Park Local Development Plan.

Signature:	Bob Robertson
Designation:	Area Planning Manager South
Author:	Karen John
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 - 000001 SITE LAYOUT PLAN
	Plan 2 - 000002 LOCATION PLAN
	Plan 3 - 000003 TREE SURVEY

Site Plan **Revision 4** **Date: 19/08/2026** **Reference Number 26/02932/FUL**



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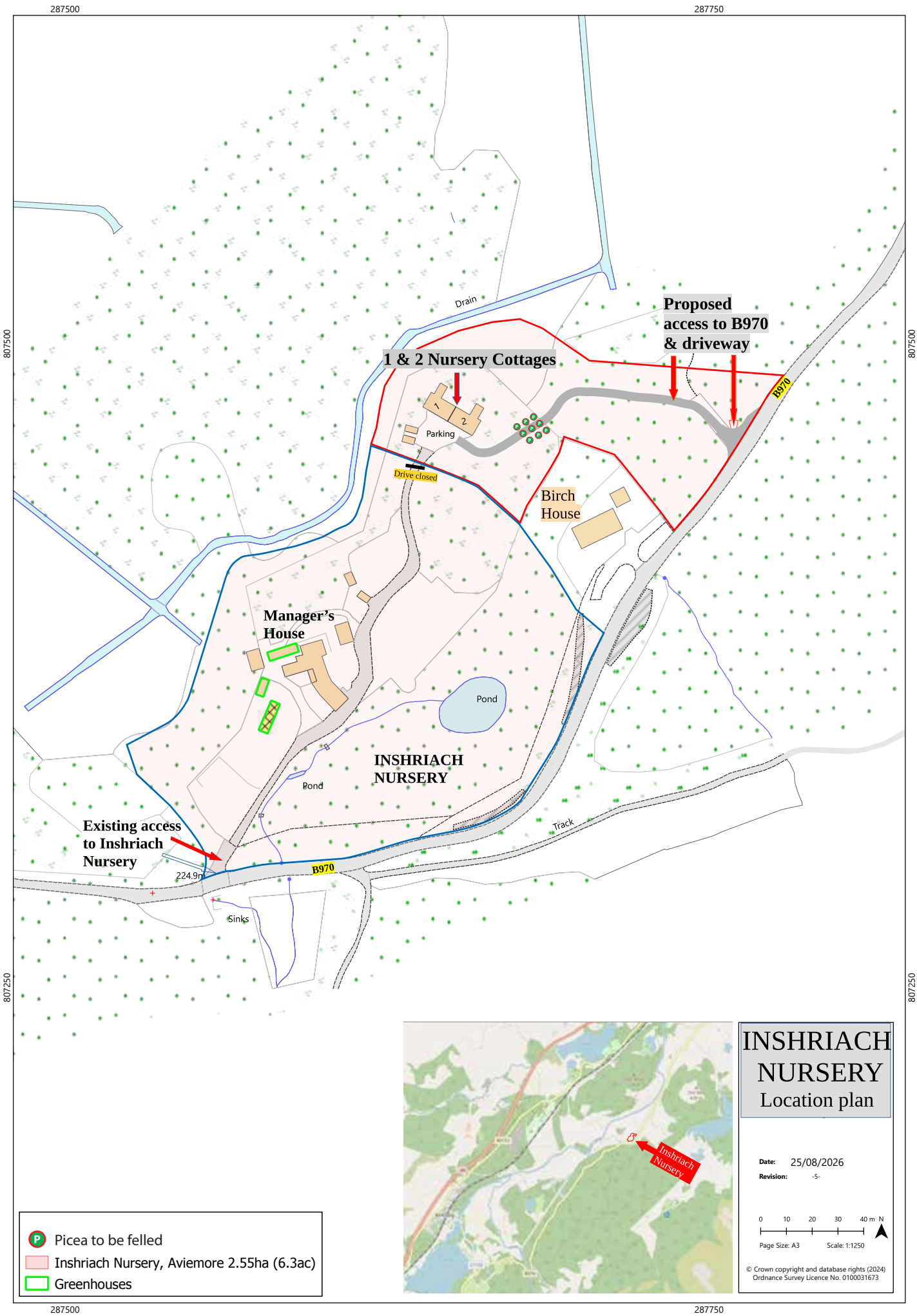
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Proposed New Driveway

6m minimum bituminous surfaced section from edge of public road, including service bay, over compacted Type 1 sub-base. Remainder to be compacted Type 1 sub-base with hard gravel wearing course (350mm Depth).

Proposed access to Inshriach Nursery Cottages Nos 1 & 2

Reference Number: 26/02932/FUL



Tree Survey **Revision 2** **Date: 25/08/2026** **Reference Number 26/02932/FUL**

