

APPENDIX I

Current Request to Remove Section 75 Agreement

And

Letter from Scottish Government, The Chief Planner

06/336/CP

Julie Millman

From: Laggan Hotel [REDACTED]
Sent: 01 December 2011 09:43
To: Planning
Subject: FAO: Andrew Tait RE: Laggan Country Hotel

Caingorms National
Park Authority

01 DEC 2011

RECEIVED

Dear Mr Tait

1 December 2011

With reference to my recent letter advising that we would like our section 75 either removed or altered.

In light of the press release from the scottish government highlighted in the 'strathy'.

We now wish for your organisation to remove the section 75 completely and no longer seek alteration as an option.

Look forward to hearing from you.

Janet Huisman
Laggan Country Hotel

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Laggan Gaskmore Hotel - [REDACTED]

LAGGAN HOTEL

Laggan, By Newtonmore, Inverness-shire PH20 1BS

Tel: [REDACTED]

Fax: [REDACTED]

Website: [REDACTED]

Email: [REDACTED]

16 November 2011

Mr Andrew Tait
Planning Officer
Cairgorm National Park Authority
Ground floor
Albert Memorial Hall
Station Square
Ballater AB35 5QB

Cairgorm National
Park Authority
18 NOV 2011
RECEIVED dm

Dear Mr Tait

With reference to your recent letter dated the 7 November, I do wish my letter to be considered as a formal request to preferably lift the section 75 or vary the agreement.

I look forward to hearing from you.

Yours sincerely

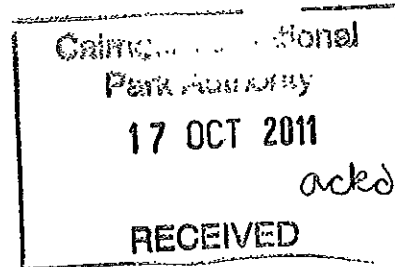
[REDACTED]

Mrs J. Huisman

Laggan Country Hotel
Laggan
Newtonmore PH20 1BS

12/10/2011

Mr D McKee
Planning Dept
Cairngorm National Park
Balater



Dear Mr McKee

With regards to the e-mail you sent on the 3/4/11 regarding our Section 75. I would like to bring you up to date on our current circumstances.

We had hoped at the start of the Summer that we would have been at a habitable stage by October. However due to certain circumstances we are looking at not being able to gain entry to the house till October 2012, if we are lucky.

This season we have spent over £40,000 on the stonework and bricklayers for the house. We have also spent a further £10,00 internally.

Throughout the season the hotel has suffered water damage through burst pipes and expensive replacement of equipment which has broken down and required to be replaced such as heating boiler, commercial freezer, dishwasher etc which has resulted in costs over £11,000.00, which is a lot to a small business. In addition to this, with the current bad economic situation our turnover has dropped by approx £20,000 already this season.

All these things together have put a massive strain on our business especially having to fund the building of a house which will cost approx £200,000 without a mortgage.

Our house is now 90% complete but our business is in danger of going bust between now and next April, this is due to the last three years all funds being diverted from the business to the building of the house. As you will be aware, in the Laggan area we have a short six month season. This time last year we had £35,000 more in our business account than what we have today, yet we still went into overdraft in April. Therefore we are in real trouble for this coming Winter, not because our business is failing but because of the draconian Section 75.

As a result we need to borrow £50,000 from the bank, a small amount compared to the average mortgage for a house this size. The mortgage would be repaid in five years, yet because of the Section 75 we are unable to do this.

I recall just over a year ago you informed us that your department were having continued meetings with banks regarding lending on Section 75. I wondered if there

had been any progress on these meetings and if there were now banks wishing to lend on those of us saddled with Section 75 and who these banks are. If however, there are no banks willing to lend under Section 75, then why is the national park still using them on planning approvals. Surely the simplest solution to the problem would be to alter the development plan to allow one house to be developed on the site. This should have been done years ago, how you expect a hotel to be run without proper owners accommodation beggars belief.

I fail to see how the Section 75 cannot be removed or altered as has been done for others. Thus allowing us to finish the house but also enable us to look at removing the static caravan replacing the two unsightly in-adequate chalets and generally improving the appearance of the whole site.

Yours sincerely



Jannet Huisman

c.c. Fergus Ewing

Directorate for the Built Environment
Jim Mackinnon, Director and Chief Planner

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Heads of Planning



4 November 2011

Dear Sir/Madam

OCCUPANCY RESTRICTIONS AND RURAL HOUSING

I am writing to clarify the Scottish Government's views on the use of conditions or planning obligations to restrict the occupancy of new rural housing.

Occupancy restrictions are typically used in Scotland to limit the occupancy of new houses in the countryside either to people whose main employment is with a farming or other rural business that requires on-site residency, or to people with a local connection. Sometimes new houses are tied to particular land holdings, preventing them being sold separately. Such restrictions have been applied either through planning conditions or Section 75 planning obligations.

A number of issues have arisen with the use of occupancy restrictions, some of which have been exacerbated by the current economic situation. Some people have found it difficult to get a mortgage to buy a house with an occupancy restriction. Others have found it difficult to sell the house, or have the restriction lifted, when they are forced by necessity to move. While it may be possible to include provisions in the condition or obligation that attempt to address these issues, any use of occupancy restrictions introduces an additional level of complexity (and potentially expense) into the process of gaining consent for a new house. Occupancy restrictions can also be intrusive, resource-intensive and difficult to monitor and enforce.

Scottish Planning Policy promotes a positive approach to rural housing. It states that development plans should support more opportunities for small scale housing development in all rural areas, including housing which is linked to rural businesses. It does not promote the use of occupancy restrictions.

The Scottish Government believes that occupancy restrictions are rarely appropriate and so should generally be avoided.

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In determining an application for a new house in the countryside, it may be appropriate for the planning authority to consider the need for a house in that location, especially where there is the potential for adverse impacts. In these circumstances, it is reasonable for decision-makers to weigh the justification for the house against its impact, for example on road safety, landscape quality or natural heritage, and in such circumstances it may be appropriate for applicants to be asked to make a land management or other business case. Where the authority is satisfied that an adequate case has been made, it should not be necessary to use formal mechanisms to restrict occupancy.

The Scottish Government believes that a vibrant populated countryside is a desirable objective and that new housing to realise this aim should be well sited and designed, and should not have adverse environmental effects that cannot be readily mitigated. In areas, including green belts, where, due to commuter or other pressure, there is a danger of suburbanisation of the countryside or an unsustainable growth in long distance car-based commuting, there is a sound case for a more restrictive approach. In areas where new housing can help to support vibrant rural communities or sustain fragile rural areas, planning authorities should seek to support suitable investment in additional provision, focussing on the issues of location, siting, design and environmental impact rather than seeking to place restrictions on who occupies the housing.

Where sites are considered unsuitable for new housing, more acceptable locations will often exist elsewhere on the same landholding or nearby, and planning authorities can assist applicants by advising where these are.

Yours faithfully



JAMES G MACKINNON