
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

**Prepared by: KATHERINE DONNACHIE
(PLANNING OFFICER,
DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: Application under Section 42 to vary condition 1 of planning ref: BS/1976/96 for siting of nine static holiday caravans on area of site currently used for touring caravans and tents at Boat Of Garten Caravan Site, Deshar Road, Boat Of Garten

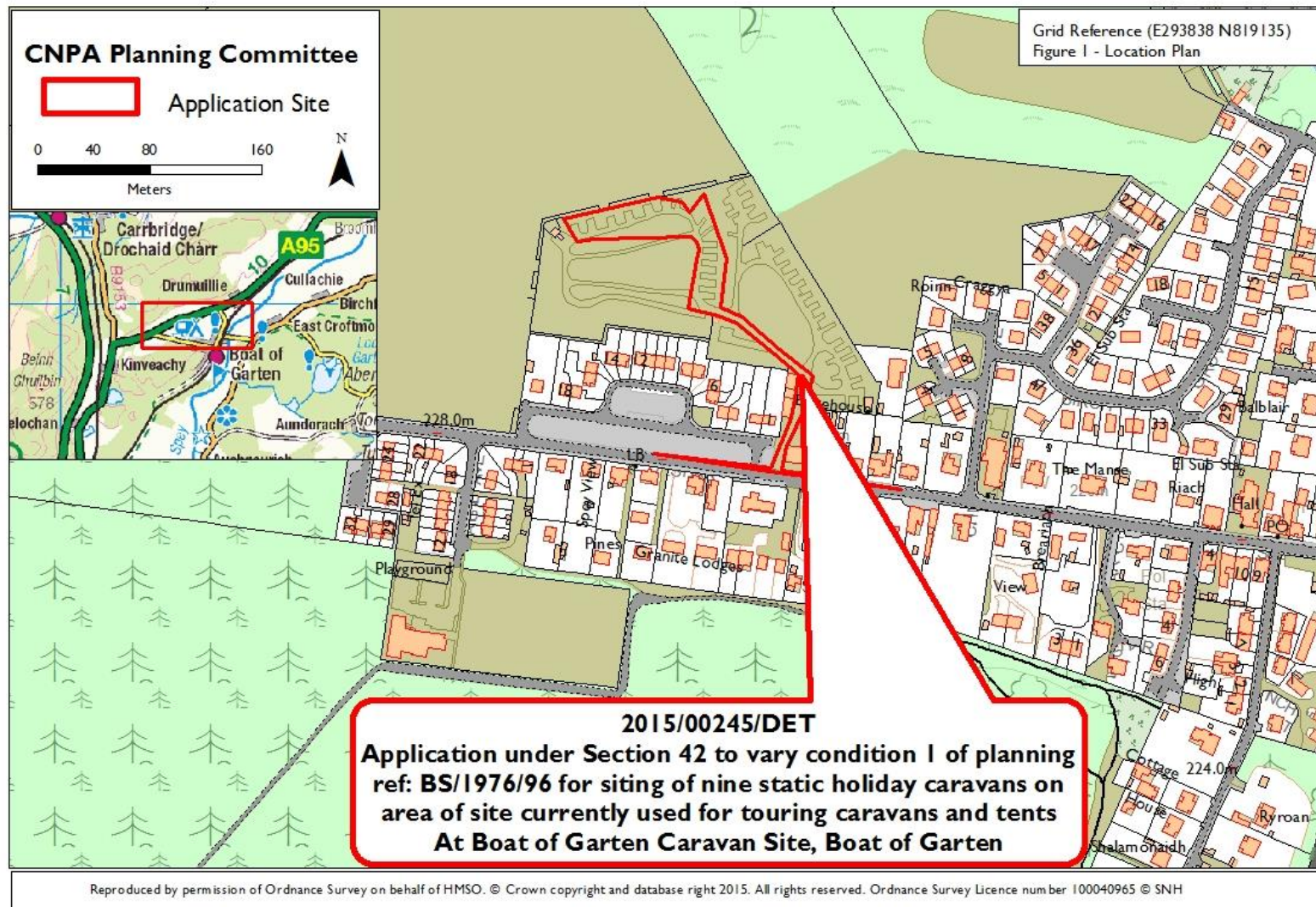
REFERENCE: 2015/0245/DET

APPLICANT: Mr Austen Durrant

DATE CALLED-IN: 10 August 2015

REASON FOR CALL IN: This is a Type 1 application, which is directly related to a number of applications that have been previously determined by CNPA. Whilst such matters have previously been considered on those applications, the further loss of facilities on this site for touring caravans, and therefore the cumulative effect, raises issues which are of significance to the collective aims of the Park, in terms of the social and economic well-being of the community and with regard to the enjoyment and understanding of the Park.

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS



SITE DESCRIPTION AND PROPOSAL

1. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/#searchApplications>

Title	Drawing Number	Date on Plan	Date Received
Location Plan	L(Ex)01	March 2013	
Proposed Site Layout	L(PL)301 Rev B	June 2015	
Existing Site Layout	L(PL)3012	June 2015	
Supporting Statement	Bell Ingram Design	undated	

Development Proposal and Site

2. This long established site is located within Boat of Garten at the western edge of the village to the north of Deshar Road. It is bounded to the north, east and west by fields and to the south by housing. The site is characterised by caravans set within landscaped grounds with mature native trees providing a setting. There is a network of tarred roads and access tracks serving the site and the caravans, with existing toilet, recycling and play area facilities within the site. Access is taken off Deshar Road via an existing road which serves the caravan site, manager's house and reception area. A shop is located immediately adjacent to the access point. Servicing is as existing, via connection to existing private treatment works.
3. The application seeks to vary the terms of a historical planning consent dating from 1976 in order to site a further nine static caravans on the site. The original planning condition restricted the amount of static caravans on the site. Therefore there is a requirement to apply for permission to vary this under Section 42 of the 1997 Town and Country Planning Act. The original planning condition stated “ *The extension area shall be used solely for touring caravans and tented camping*”
4. Previous planning applications at this site identified an area for touring caravans and tents in the northern part of the caravan site and this existing site layout is shown in **Figure 2**.



Figure 2 – Existing Site Layout

5. It is now proposed to site nine static pitches in this part of the site and retain a smaller area for tents and tourers as shown in **Figure 3** – the area identified for touring caravans is stances 88-92 the equivalent of five pitches and the agent advises that there will be informal space for five tents over and above this. All servicing, landscaping and overall layout will remain as existing. The proposed total number of caravans/tents on the overall site will not exceed 97, and the number of static stances will rise from the currently consented total of 78 to 87.

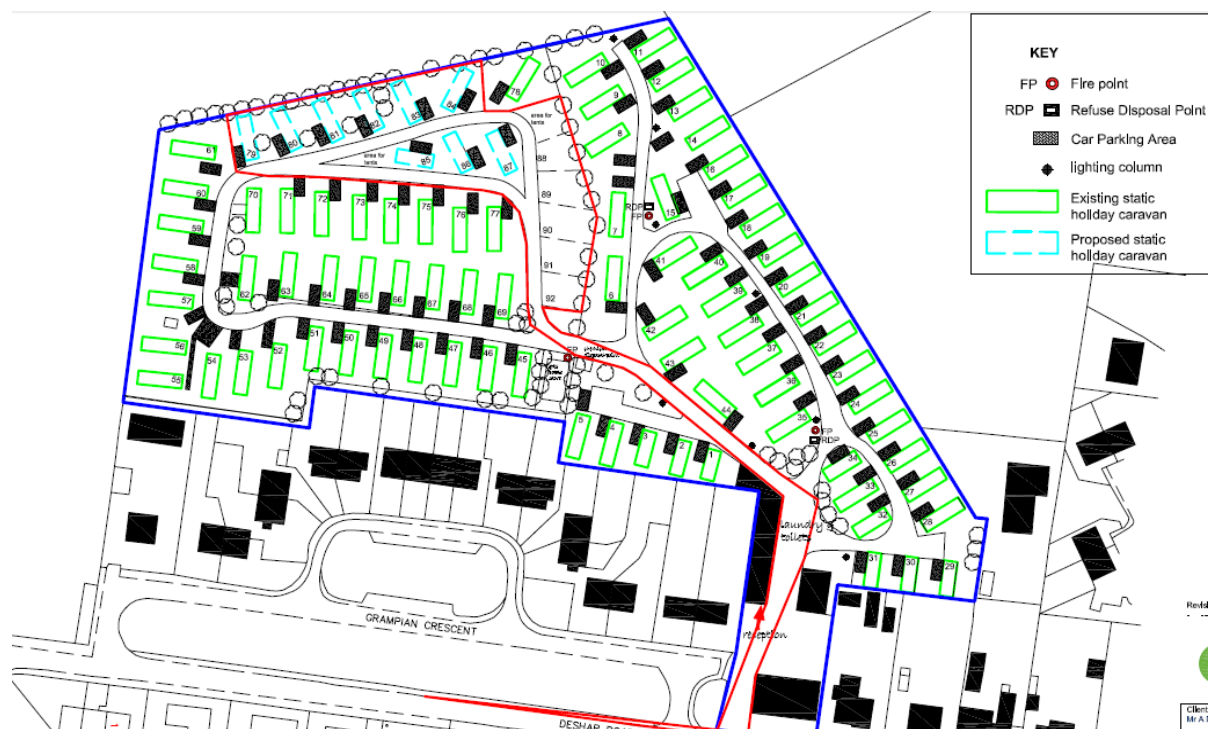


Figure 3 – Proposed Site Layout

6. The applicant's agent has submitted a supporting statement which outlines that demand for static caravans on this site is increasing year on year whereby the applicants cannot now fully meet this demand, with peak demand extending over approximately 34 weeks per year. Conversely the demand for touring pitches is decreasing year on year with peak demand extending to around six weeks per year.
7. The applicant's agent states that analysis of the market suggests the following reasons for this trend:
 - a) Increasing costs of owning and travelling with touring vans, including fuel costs
 - b) Increasing awareness of benefits of static caravans in relation to larger floor area and capacity
 - c) More flexible "wet weather" accommodation of static caravans
8. Of the 78 static pitches on site, 15 are owned and rented by the Park. Of the 63 in private ownership, 34 are rented by the Park and the majority of the remaining stances are rented out by their owners. Nineteen pitches are currently available for touring caravans/tents. The current application now proposes to site an additional nine statics and reduce the number of touring pitches to five to meet the small ongoing demand for tourers together with informal provision for five tents.
9. The agent estimates that around 10,000 visitors use the caravan park each year from a mixture of groups which they consider to be a considerable economic benefit to the surrounding area. It is also submitted that the proposed

application will enable the currently under used touring area to provide additional income for both the site and the wider economy, and enable increased re-investment in the site.

Site History

10. There is a lengthy planning history on this site which can be summarised as follows.
11. Planning consent was originally granted in 1976 by Highland Regional Council at that time for an extension to Boat of Garten caravan site to accommodate touring caravans. This was subject to a condition restricting the use of the extension area to touring caravans and tented camping. A condition was also imposed stating that the maximum number of caravans and/or tents to be sited on the whole site should be 97. The current proposal lies within this extension area.
12. In August 2010 a retrospective planning application to site 34 static caravans on this extension area was approved by the Cairngorms National Park Authority (CNPA) Planning Committee subject to conditions. (Reference 10/041/CP)
13. Following on from this decision, in April 2011 an application to relax one of the conditions of this 2010 consent and of the earlier 1976 consent was approved. The application sought to allow caravans to be occupied during the month of November; this condition having been previously imposed to prevent permanent residential occupation of the caravans. A revised approach was proposed which attached a condition restricting occupancy for holiday purposes only, which achieved the same objective but did not prevent parties using caravans in a particular month. This application was approved by the CNPA Planning Committee. (Reference 10/448/CP)
14. At the July 2013 meeting of the CNPA Planning Committee a further application was approved for the siting of five more static caravans in this area (2013/0134/DET). At the time of consideration of this application it was noted that a further two static caravans were on site so a retrospective application was duly submitted. This was approved at the October 2013 meeting of the CNPA Planning Committee (2013/0222/DET).

DEVELOPMENT PLAN CONTEXT

National Policy

15. **Scottish Planning Policy** (SPP, revised 2014) sets out national planning policies that reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land. Under planning law, planning applications must be determined according to the development plan unless material considerations indicate otherwise. The content of SPP is a material consideration in planning decisions that carries significant weight. The SPP promotes consistency in the application of policy across Scotland while allowing sufficient flexibility to reflect local circumstances.

16. The SPP sits alongside four other Scottish Government planning policy documents:
- 1) The National Planning Framework (NPF) which provides the statutory framework for Scotland's long term spatial development. The NPF sets out the Scottish Government's spatial development policies for the next 20 to 30 years;
 - 2) Creating Places, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design;
 - 3) Designing Streets, a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
 - 4) Circulars, which contain policy on the implementation of legislation or procedures.
17. Scottish Planning Policy highlights the Scottish Government's commitment to sustainable development and sets out the need, amongst other matters, for decisions to be guided by principles including the need to give due weight to net economic benefit. In relation to National Parks SPP sets out the need to pursue the four aims of the National Park collectively

Strategic Policy

Cairngorms National Park Partnership Plan (2012-2017)

18. The Cairngorms National Park Plan sets out the vision and overarching strategy for managing the Park and provides focus and priorities at a time of limited financial resources. The Plan also provides a strategic context for the Local Development Plan and shows how the four aims of the National Park can be achieved together. It sets out the strategic direction and priorities for the Park.
19. Three long term outcomes for the Park are set out as follows:
- 1) A sustainable economy supporting thriving businesses and communities;
 - 2) A special place for people and nature with natural and cultural heritage enhanced; and
 - 3) People enjoying the park through outstanding visitor and learning experiences.

These outcomes address the interaction of the three main characteristics of the National Park these being that the Park is an internationally important area for nature conservation; a fragile rural economy, and an internationally known tourism destination. Recognising the relationship of these outcomes is at the heart of the National Park. A series of work programmes to help deliver the outcomes is set out in the Plan.

20. Policy 1.1 of the Plan sets out the policy priority to grow the economy of the National Park by strengthening existing business sectors.

Local Plan Policy

Cairngorms National Park Local Development Plan (2015)

21. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:

<http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>
22. In this case the application site lies within the defined settlement boundary of Boat of Garten on land which is designated as T1 - Tourism stating that *“the existing caravan and camping site provides continued support to the provision of tourism accommodation within Boat of Garten and will be protected from adverse development. Where appropriate enhancement opportunities will be supported”*.
23. Key planning policies are as follows:
24. Policy 2.2 Tourism and leisure development supports development which enhances formal and informal recreation and leisure facilities; tourism and leisure based activities and attractions; and tourism and leisure related infrastructure including accommodation. This support is subject to the development having no adverse environmental impacts, making a positive contribution to the experience of visitors and adding to or extending the core tourist season.
25. Policy 3.1 Sustainable Design sets out the need for new development amongst other criteria, to be satisfactorily serviced and be sympathetic to the character of the area.
26. Policy 4.1 International and national designations (in respect of potential impacts upon Special Protection Areas in the vicinity) Policy 4.2 National Designations (in respect of the National Park); Policy 4.5 Other Biodiversity and Policy 4.6 All Development These policies set out how any heritage interests should be considered, protected, mitigated and enhanced with the key objective of ensuring that all development conserves and enhances the outstanding natural heritage of the National Park, protecting against adverse development.
27. Policy 5 Landscape presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park.
28. Policy 8 Sport and Recreation sets out that diversification of or extensions to existing sport and recreation related business activities or the enhancement of the quality and design of existing facilities will be supported where they demonstrate best practise in design, ensuring no adverse environmental impacts on the site or neighbouring areas, meet an identified community or visitor need and maintain and maximise opportunities to link into the existing path network.

29. Policy 10.1 Water Resources; Policy 10.3 Connection to Sewerage; and Policy 10.4 Waste Management and Minimisation which set out how new development should ensure the reduction in use of resources and the need to connect to public systems where available.

Supplementary Guidance

30. The CNPA has prepared a suite of Supplementary Guidance (SG) which is part of the Local Development Plan and provides more detail about how to comply with the policies. There is also non-statutory Planning Guidance to help support the delivery of the Plan. Key topics in this case are guidance on Natural Heritage and Supporting Economic Growth

CONSULTATIONS

31. **Scottish Natural Heritage (SNH)** has been consulted in view of the potential impacts on capercaillie from increased recreational use and disturbance in the Boat of Garten woods arising from the replacement of touring caravans by statics. SNH do not consider this will have an additional impact on Boat of Garten woods or its capercaillie population and hence will not have a likely significant effect on any of the nearby Special Protection Areas. (SPAs) By way of background, SNH advise that Boat of Garten woods, whilst not designated, is known to be well used by capercaillie which are part of the wider meta-population in Badenoch and Strathspey with five SPAs designated to safeguard the Strathspey meta-population located close by.
32. **The Highland Council Environmental Health Service** has no objections
33. **The Highland Council Forestry Officer** notes that there are semi-mature mixed broadleaves and conifers within the site and as these are an important feature of the site they should be retained where possible. The applicant has provided indicative plans of the tree layout and it is recommended that a survey be provided to show the position of all trees, including those to be retained and removed.
34. **The CNPA Economic Development Manager** when assessing previous applications at this site advised that the market for caravanning in the UK is split into two sectors, touring and static caravan. The static caravan market can be further separated into those that are owned (a significant proportion are privately owned and used for weekend breaks or second homes) and those being rented.
35. The number of touring caravan nights spent in Scotland is not increasing. In the UK the split between touring and static caravanning trips in 2010 was 60% static, 40% touring. It was highlighted that the average daily spend of caravanners in the Highlands is between £12-30 per head with the longer stay of static caravanners likely to generate more income.
36. Previous analysis of 2012 STEAM (a national database of tourism information) data for the Cairngorms National Park showed only 55 static caravans available

for hire in the Cairngorms National Park compared to 760 touring caravan pitches, with 426 static caravans not for hire, presumably owned and used for breaks or second homes. It was concluded that there is a need for more availability of static caravan for rent in the National Park with a growing market for this, as opposed to a stagnating market for touring caravans. As the length of stay in static caravans is usually longer than for touring caravans this means that there is also likely to be more economic benefits. An increase in owned static caravans is unlikely to have the same economic benefits as occupancy levels tend to be lower.

37. The Officer concluded that the market data appeared to support the need for more availability of static caravans for rent although it was also noted that the accommodation mix may become eroded to the point where the caravan park is occupied purely by static caravans which may be an obstacle to visitors from different demographics staying in the area. With the current application, the Officer has noted the reduction in touring space on this site and the resultant reduction in mix of provision, whilst recognising that the applicant's supporting case is similar to the evidence outlined above regarding the market split for caravanning.
38. **Boat of Garten and Vicinity Community Council** has been consulted and a copy of their comments is attached as **Appendix I**. They have raised concern regarding the apparent loss of all touring caravan spaces and the associated laundry and toilet facilities. Whilst the Community Council appreciate that the longer stays generated by static caravans may be of economic benefit to the area they have raised concern regarding the following points:
- a) Cumulative impact arising from loss of touring and camping facilities in this area as there will be no facilities for continued caravan and camping use despite Boat of Garten's location on the Speyside Way and National Cycle network - The intention being to welcome walkers and cyclists
 - b) Environmental impacts from lack of space for transient tourists with reference made to comments from the RSPB relating to increased camper van parking in lay-bys and associated human waste, as well as increased wild camping. Anecdotal evidence suggests that lack of camping facilities at the Boat of Garten site has resulted in some displacement in this way.
 - c) Concern is raised as to whether the proposed development complies with Local Development Plan policy on Supporting Economic Growth in that it will not diversify existing land uses and might have adverse environmental impacts in terms of the wider area and surrounding wildlife and woodlands by making no provision for campers/tourers who may then relocate to other areas as described above. Similarly concern is raised that the proposal will not comply with Policy 8 on Sport and Recreation in that it will reduce facilities available.
 - d) The Local Development Plan also sets out that existing facilities which support the tourism sector should be protected from adverse development with any proposal resulting in a reduction in provision of facilities resisted – the current proposals will reduce provision for campers and tourers and in the context of Boat of Garten will diminish local facilities.
 - e) Concern is also raised regarding the ability of the public sewage works to cope with additional demand should the development not connect into the

existing private system on site. (*Note – it is understood that connection to the existing on site provision is proposed.*)

39. The Community Council conclude that, whilst they do not oppose an increase in static caravans on the site, this should be balanced against the need to provide continued provision for campers, even if only on a seasonal basis, for both environmental and diversification of provision reasons, all in line with Local Development Plan policy. The Community Council highlight the particular need to support campers as touring caravans can more readily relocate to other provision if necessary.

REPRESENTATIONS

40. The application was advertised and no representations have been received.

APPRAISAL

Principle

41. The principle of caravans on this site is already established so the issue in this case centres around the proposal to change the caravan type from tourers to static caravans in relation to varying the terms of the original planning permission here. In this regard Local Development Plan Policy 2 Supporting Economic Growth supports the principle of tourism related accommodation providing there are no adverse environmental impacts and the development makes a positive contribution to the experience of visitor and adds to or extends the core visitor season.
42. It is considered that a satisfactory case has been made by the applicants, which is generally supported by the CNPA Economic Development Manager, for a move towards more static caravans at this site. This move will help to extend the tourism season by allowing people to occupy the caravans outside the summer season, which is the usual occupancy pattern of touring caravans. It will also provide wider economic benefits in terms of the spin off for the local area in terms of greater spend. The growing popularity of static caravanning as put forward by the applicants is substantiated by national figures and as such the principle of the change is considered to be in compliance with policy objectives.
43. The local Community Council have highlighted the issue of the loss of touring space at the site reducing facilities for this sector of user, including campers thus increasing the potential for wild camping and parking of campervans in laybys. Whilst this case is appreciated, there is some limited space being retained for touring use and this is considered to be a reasonable compromise which provides some touring use, but allows the applicants to respond to market trends and also enable reinvestment in an existing, important tourism facility which will help secure its ongoing sustainable future.
44. Furthermore in relation to points made regarding wild camping/parking of camper vans, it is anticipated that this may be a wider issue than simply relating to facilities at Boat of Garten caravan site and is something that perhaps should

be pursued by other authorities as appropriate if there is nuisance arising. The applicants have submitted that there is an ongoing downward trend in demand for touring spaces in their site and are, as noted earlier, retaining some limited provision. Consequently whilst appreciating this concern, it is not considered to form a land use planning reason to resist the current application which (as noted earlier) complies with Local Development plan policies and will help support the ongoing viability of an important local tourism facility and the surrounding economy by retaining visitors to spend in the local area.

45. Finally, planning policy does not differentiate between different types of user as such and overall it is considered that the principle of the development is satisfactory and in compliance with both Policy 2 and also and Policy 8 Sport and Recreation. It will however be necessary, in the event of the application being approved, to attach appropriate planning conditions to ensure that all caravans are occupied on a holiday basis only. This has been the case with previous planning consents on this site and the applicants have established and retained a log on site of visitors and their lengths of stay to corroborate the occupancy patterns if required.
46. Other relevant planning issues regarding the application relating to landscape, environmental and servicing, are now considered below.

Landscape Impacts

47. There is little additional landscape impact arising from this proposal which involves siting additional static caravans within an established, well maintained caravan site which benefits from an existing, attractive and well maintained landscape setting. Planning conditions can be imposed to ensure retention of the existing trees on site and it is understood from on-site discussions that the applicants fully appreciate the importance of the setting to the site and their visitor experience. In these circumstances the requirements of Policy 5 Landscape can be fully met. Similarly the proposal is considered to comply with Policy 3 Sustainable Design, with the static caravans being in keeping with the overall character of the site.

Environmental Impacts

48. SNH have considered any impacts upon the natural heritage interests in terms of capercaillie in the Boat of Garten woods and concluded there will be no adverse impacts as a result of this proposal. The potential for educating users of the caravan site on natural heritage interests has been discussed with the applicant who is keen to work with the CNPA on this, and provide information leaflets to customers if desired. This is considered to present a good opportunity to further the wider aims of the Park. It is therefore considered that Policy 4 Natural Heritage is complied with.

Servicing

49. There are no additional servicing issues arising from this development with all existing servicing to be used. In relation to the concerns of the Community Council regarding the loss of provision of laundry and toilet facilities for touring visitors, the applicants have now confirmed that this provision is being retained and the site plan has been annotated accordingly. Accordingly, the requirements of Policy 10 on Resources are considered to be complied with in respect of servicing and resources.

CONCLUSION

50. In these overall circumstances, it is considered that the proposal complies with planning policies and with the aims of the National Park. Approval is therefore recommended subject to suitable planning conditions which reflect those imposed on previous applications on this site to ensure that occupation of the caravans is restricted to holiday use only as noted earlier.
51. Also as this is an application (submitted under the terms of Section 42 of the Planning Act) to vary the planning conditions of the original 1976 consent here it will be necessary to attach any conditions from that consent, which are relevant today, given that the new consent now being considered will constitute a fresh full permission for the site. This is duly reflected in the proposed planning conditions, which have been amended to reflect current controls.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

52. The proposal is not considered to have an adverse effect on heritage of the area and may present the opportunity to enhance natural heritage by providing educational/interpretive materials to the site users to explain about the important wildlife in this area, including capercaillie, and how to ensure minimal disturbance to this wildlife.

Promote Sustainable Use of Natural Resources

53. The proposed development does not conflict with this aim as it simply seeks to change the type of caravan to be used on the site

Promote Understanding and Enjoyment of the Area

54. The proposal helps support this aim by offering local all year round accommodation for tourists, and the potential to provide educational and interpretive material to these visitors to enhance their enjoyment of the National Park.

Promote Sustainable Economic and Social Development of the Area

55. The proposed development will help support the social and economic development of the area by providing holiday accommodation, encouraging longer stays in the area which supports local facilities in the village, and by generating income for the site owner which can be re invested in the site and also supports a local business. Furthermore the location for holiday makers within a village with ready access to transport and local facilities is inherently sustainable.

RECOMMENDATION

That Members of the Committee support a recommendation to grant full planning permission for this application under Section 42 to vary Condition 1 of planning ref: BS/1976/96 for siting of nine static holiday caravans on area of site currently used for touring caravans and tents subject to the following planning conditions:

1. Unless otherwise agreed with the Cairngorms National Park Authority acting as Planning Authority, the development shall be laid out in strict accordance with drawing number L(PL) 301 revision B, with space for touring caravans and tents kept free for this purpose, existing trees shown on the plan retained, and toilet and laundry facilities for touring caravans retained

Reason: To ensure that provision is kept for touring caravans in order to provide a mix of accommodation and the existing trees which contribute to the landscape setting of the site are retained in accordance with Local Development Plan Policy 2 Supporting Economic Growth and Policy 5 Landscape.

2. All caravans shall be occupied for holiday purposes only and shall not be a person's sole or main residence. The site operators shall maintain an up to date register of the names and addresses of all owners of caravans (if not the site operator) and their main addresses and shall make this information available at all times to the Planning Authority.
3. Reason: To ensure that the caravans are not used as a person's main or sole residence and are for holiday use only as the application has been assessed on this basis in relation to Local Development Plan Policy 2 Supporting Economic Growth.
4. The maximum number of caravans and/or tents that may be accommodated on the entire Boat of Garten Caravan Park site shall not exceed 97 at any one time.

Reason: The development has been considered in terms of layout, landscaping and servicing in relation to this level of development, in accordance with Local Development Policy 5 Landscape, 3 Sustainable Design and 10 Resources.

Informatives:

- I. The Cairngorms National Park Authority recommends that the opportunity be taken to provide educational and interpretive materials to the users of the site regarding the special qualities of the National Park. CNPA staff would be happy to work with the developer on this and suggest contact be made to our Grantown Office (telephone 01479 873535) for further advice and provision of materials.

Officer Name: Katherine Donnachie

planning@cairngorms.co.uk

Date: 30 October 2015

The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.