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## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title:** REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT CONTROL)

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**DEVELOPMENT PROPOSED:** ERECTION OF DWELLINGHOUSE & 4 NO. HOLIDAY LODGES, INVER HOTEL, CRATHIE, BALLATER (FULL PLANNING PERMISSION)

**REFERENCE:** 04/374/CP

**APPLICANT:** MR. & MRS. A. DRISCOLL, INVER HOTEL, CRATHIE, BALLATER

**DATE CALLED-IN:** 30 July 2004



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. Full Planning Permission is sought for the construction of 4 semi-detached holiday lodges and a detached one and a half storey dwellinghouse within the grounds of the Inver Hotel which is located on the north side of the A93 North Deeside Road, approximately 3km west of Balmoral at Crathie.
2. The Inver Hotel is a one and a half storey building with a traditional frontage immediately adjacent to the road. It has white washed walls, and a slated roof. The building has been extended to the rear along its full length with a 2 storey flat-roofed addition. There is an existing vehicular access on the east side of the hotel which leads to an open car parking area to the rear. Also on the east side is a square area of grass. On the west side of the hotel is garden area. There are some timber outbuildings in the north-east corner of the site. These are to be removed. An open flat field lies on the west side of the site and to the north and east is semi-open land with scattered birch trees.
3. The proposal is to construct the holiday lodges to the north and east sides of the site. The self-catering lodges (3 no. 3 bed. and 1 no. 4 bed.) are constructed as two semi-detached pairs positioned at right-angles to each other facing inwards towards the parking area and hotel. They are to be finished in vertical timber linings (Douglas Fir) with pitched roofs of corrugated steel sheeting. The proposed detached dwellinghouse (4 bed. with sun lounge and garage) is to be sited on the west side of the site, again facing inwards to the parking area and the rear of the hotel. It has a pitched roof of slate, walls of wet harl and vertical timber linings, and timber framed sash and case style windows. Access to the new developments will use the existing access onto the A93. Two separate effluent treatment plants draining to suitably sized soakaways are proposed for the treatment and disposal of foul drainage. Additional landscaping is to be carried out along the south-east boundary immediately adjacent to the A93.
4. The purpose of the new house is to provide residential accommodation for a head chef. On the upper floor within the hotel, there is private hotel manager's accommodation which is occupied by the applicants at present. One of the applicant's currently carries out the majority of the catering for the business.
5. In July 1998, Aberdeenshire Council issued, to the previous hotel owner, a full planning permission for the erection of 5 no. self-catering lodges and a double garage for the manager (S980083PF). Amongst others, conditions were imposed restricting occupancy of the lodges to recreational/vacational purposes only. They were also not to be disposed separately or collectively from the hotel and they were required to remain in the same ownership and control as the hotel as an ancillary facility. This permission lapsed on 31 July 2003.

## DEVELOPMENT PLAN CONTEXT

6. The site lies within a countryside area which is also within the Deeside and Lochnagar National Scenic Area. In the **Aberdeen and Aberdeenshire Structure Plan 2001-2016 (NEST), Policy 6 (Tourism)** states that tourism and related developments shall be encouraged where they are compatible with policies to safeguard and enhance the built and natural environment. **Policy 12 (House Building in the Countryside Beyond the Green Belt)** states that there shall be a presumption against house building in such areas except: a) rehabilitation or extension of an existing house; or b) replacement on the same site of a largely intact house; or c) a new house which is essential to the efficient operation an enterprise which itself is appropriate to the countryside or; d) conversion of an existing non-residential vernacular building or; e) in the Rural Housing Market Area, the erection of a single house within an existing cohesive group of at least five houses. **Policy 19 (Wildlife, Landscape and Land Resources)** states that development which would have an adverse effect on a national designation, including a National Scenic Area, will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised or any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits of national importance.
  
7. The relevant local plan is the **Finalised Aberdeenshire Local Plan 2002**. **Policy Env\5 (National Scenic Areas etc.)** states that development within an NSA will not be permitted where its scale, location or design will detract from the quality or character of the landscape, either in part or as a whole. In all cases, the highest standards of design, in terms of location, scale, siting, aesthetics and landscaping will be required. **Policy Hou\4 (New Housing in the Countryside)** states that the erection of a single new house in the Countryside will be approved, in principle, if either; a) it is for a full time worker in an enterprise which itself is appropriate to the countryside; b) the presence of that worker on-site is essential to the efficient operation of the enterprise; c) there is no suitable alternative to a new house eg. through conversion of an existing building or properties for sale or rent in the area; d) the proposed house is within the immediate vicinity of the worker's place of employment; and e) it conforms with Appendix 1 (The Design of New Development in Aberdeenshire). In the Rural Housing Market Area, single houses within a cohesive group of at least five houses may be permitted, subject to compliance with detailed criteria. **Policy Emp\9 (Tourist Facilities and Accommodation)** states that new or improved tourist facilities and accommodation will be approved, in principle, subject to certain criteria. These include, the development respecting the character, amenity and scale of development in the surrounding area, it being reasonably accessible by public transport, cycling or by foot, and it being well related to existing settlements and avoiding dispersed patterns of development.

8. Other relevant policies in the **Finalised ALP** include **Policy Inf4 (Drainage and Water Standards)** which ensures that adequate and appropriate drainage arrangements which do not have negative impacts on public health and the environment are demonstrated for new development. **Policy Gen1 (Sustainability Principles)** details a range of sustainability indicators that relate to the local environment, community and economy, against which new development will be assessed. **Policy Gen2 (The Layout, Siting & Design of New Development)** sets out a range of criteria for siting and design, against which new development will be assessed. **Policy Gen5 (Landscaping)** requires new development to be landscaped appropriately.
  
9. In addition to the structure and local plans, the new **Scottish Planning Policy 15 (Planning for Rural Development)** emphasises that the Planning System is important for facilitating business development and enhancing quality of life and that Planning Authorities should support a wide range of economic activity in rural areas and seek environmental enhancement through development at every opportunity. It also states that tourism is of vital importance to the social, economic, environmental and cultural well-being of rural Scotland. This said, the policy also acknowledges that Scotland's National Parks have been designated because of the national importance of their natural and cultural qualities and the National Park Authorities have the responsibility for ensuring that the four aims are achieved in a co-ordinated way. The general proactive thrust of the policy must therefore also be considered in terms of these aims.

## CONSULTATIONS

10. **SNH** do not object to the application. They do not consider that it will have a significant adverse impact on the special qualities of the Deeside and Lochnagar NSA. However, they have suggested conditions relating to landscaping and colours of external finishing materials.
  
11. The **CNPA Natural Resources Group** support **SNH's** recommendations. Additionally, they recommend that any planting with indigenous species should be made with local provenance stock, especially birch and aspen. This is especially important because the area immediately surrounding the Inver Hotel is home to a range of particularly rare and declining UK Biodiversity Action Plan priority species associated with aspen.

12. **Aberdeenshire Council's Transportation and Infrastructure Service** have stated that the existing access to the hotel car park is substandard in terms of width and visibility to the left when emerging. Visibility is good to the right when emerging but can be obstructed by vehicles parking in front of the hotel. Improving access to an acceptable standard would be possible within the applicant's ground. They therefore have no objection to the development subject to conditions relating to provision of visibility splays, widening of the access, surfacing, restricting tree planting within 5m of the road, and a sign being erected to indicate parking to the rear.
13. **Scottish Water** have confirmed that neither a public water supply or public sewers are available in this location.
14. Following receipt of further information on the drainage proposals, **SEPA** have removed their original objection, provided that, if planning permission is granted, a Section 75 Legal Agreement is signed to ensure that, while the drainage systems are shared, all properties remain in the same ownership.
15. **Aberdeenshire Council's Environmental Health Service** required the applicants to demonstrate that the quantity and quality of the private water supply was adequate to serve the proposals. This followed receipt of a representation from a neighbour expressing concern about the sufficiency of the private water supply that serves the hotel and their property which is situated across the A93 (see paragraph 17 below and attached letter). Following discussions with the applicants and receipt of further information from a water consultant, it appears that problems of shortages in the water supply are connected to the shallow gradient from source to storage, coupled with the pipe bore size rather than actual amount sourced. The results of the water consultant's investigations have resulted in the Environmental Health Service confirming that they are now content that the supply should cater for a domestic population of greater than 100 and that the applicant's proposals for providing additional storage capacity tanks, a pressure system and UV filters will make the supply acceptable in terms of quantity and quality.
16. The **CNPA Visitor Services and Recreation Group** have no objections to the proposal.

## REPRESENTATIONS

17. As stated above, one letter of representation has been received which expresses concern about the adequacy of the shared private water supply to cope with the additional development and the effect that it may have on their supply.

18. The applicants have submitted a supporting statement which provides a background to, and justification for, the proposal for the new dwellinghouse.
19. This supporting statement and the letter of representation are attached for the Committee's reference.

## APPRAISAL

20. While the proposed development is seen as a whole, there are two separate elements which require consideration. The first is the construction of the proposed holiday lodges and the second is the proposed dwellinghouse.

## Holiday Lodges

21. Structure Plan Policy 6 (Tourism) encourages the principle of tourism related developments. The supporting text states that *"More tourists need to be drawn to the North East where there is potential to expand its market, particularly for family, short stay and special interest holidays. The North East excels in this respect, being strongly linked to outdoor and countryside pursuits such as skiing, golfing, walking, fishing and climbing."* The fourth aim of the National Park is to promote sustainable economic and social development of the area's communities and SPP15 (Planning for Rural Development) also recognises the importance of tourism to the *"social, economic, environmental and cultural well-being of rural Scotland"*. The Inver Hotel is a long established business, located in a countryside location, but well placed on a main tourist route which provides easy access to popular National Park tourist hubs such as Ballater, Balmoral and Braemar. It is also within easy reach of the eastern side of the Cairngorms where numerous tourist and recreation related activities take place. The construction of the holiday lodges will allow this rural business to expand into a different area of the tourism market by providing self-catering facilities for groups and families while at the same time maintaining their existing food, drink and short stay accommodation services. The construction of the lodges can therefore be seen as a means of sustaining the future economic viability of the business.
22. Local Plan Policy Emp\9 (Tourist Facilities and Accommodation) also encourages the principle of new improved tourist facilities and accommodation, provided they meet certain criteria. These include respecting the character, amenity and scale of development in the area, being reasonably accessible, and being well related to existing settlements and avoiding dispersed patterns of development, unless the developer has demonstrated a locational requirement to be near to a specific tourist interest and that the facility will not damage that interest. In this instance, although located in a rural area, outwith

existing settlements, it is logical to provide the lodges within the grounds of the existing established hotel business. As stated above, it is well located on a public transport route but is also within easy reach of tourist areas within the Park. The character and scale of the proposal is modest and can be accommodated on the site without impacting on the landscape or its natural surroundings. It is also the case that planning permission existed for five lodges on this site up until July 2003.

23. The lodges are semi-detached and are positioned to align with the north and east site boundaries. This, along with landscaping to the roadside boundary provides a "courtyard" layout which allows enclosure of the internal parking areas. The layout conforms with that approved in 1998. Some amendments to the design of the lodges have been achieved through negotiation with the applicant. The results are lodges which reflect, in appearance, traditional "Deeside" timber buildings, often constructed as ancillary structures within the grounds of larger properties. Conditions can be imposed to control detailing and colouring of materials. Although the site is prominent on a main route through the Park, being contained within the tight boundaries of the hotel site and designed and landscaped appropriately, I do not feel that the buildings will have an adverse impact on the landscape of the wider NSA.
24. To conclude, in relation to the holiday lodges, I find that the proposals do not offend any planning policies either in principle or in detail. It will, however, be necessary to ensure that their use is restricted for the use applied for only. It would not be appropriate to permit this level of residential accommodation in this sensitive area, without restrictions on its use and occupancy. Conditions and a Section 75 Legal Agreement can be imposed to this effect. They should also be retained within the ownership of the hotel.

### **Dwellinghouse**

25. The applicant's supporting statement sets out the justification for the new dwellinghouse. It is to provide residential accommodation for a head chef and it is stated that they have had problems recruiting and retaining chefs, primarily because of the lack of suitable accommodation on site. The working hours of a chef are such that it is necessary, in this rural location, to have such an employee residing in close proximity to the premises. In this situation, the advantages of this, in terms of sustaining and developing the business, are credible. It is the case that there is some private residential accommodation within the hotel. However, the applicant's who own and run the hotel, occupy this. I am not aware that there are restrictions on occupancy for this residential unit. However, it would be virtually impossible, because of its position within the hotel itself, for it to be occupied independently of the hotel. If this private accommodation did not exist, then there would be no on site accommodation for any staff. While the

justification is put forward on the basis of accommodation for a chef, it would be appropriate to restrict occupancy of the house to a person working full time in the hotel. This could mean that it could be occupied by the hotel manager, if this was necessary.

26. Structure and Local Plan policies for housing in countryside areas only permit new houses in exceptional circumstances, one of which is where it is demonstrated that it is required for the efficient operation of an enterprise. From the matters discussed above, I conclude that a need for a house to support this rural tourist related business is supportable and accords with planning policy, provided occupancy is restricted. The applicants are agreeable to a Section 75 Legal Agreement in this respect.
27. Like the holiday lodges, amendments to the design of the house have been negotiated with the applicants. The house is now traditional in character and appearance with use of slate, wet harling, timber cladding, and timber framed sash and case style windows. Its position close to the west boundary of the site means that it will be seen from the A93 on approaches from this side. However, the design is acceptable and its scale is modest and appropriate. It will be viewed within the context of the existing buildings and the natural surroundings at the location and as such it raises no concerns in terms of planning policies in this respect.

### Other Considerations

28. The **drainage** proposals, which involve shared soakaway systems, have been found to be acceptable to SEPA provided there are planning restrictions on the ownership of the properties. Shared systems for individual properties would not normally be permissible but in this case, the lodges and the new house will be “tied” to the hotel business and as such remain in the same ownership. This will be done through the Section 75 Legal Agreement. One of the soakaways is positioned outwith the boundaries of the hotel site on land within the ownership of Invercauld Estate but tenanted by a third party. Following our request, the applicant has secured their agreement to the siting of the soakaway in this position. Written confirmation from these parties has been submitted.
29. The impact on the private **water** supply has been raised by the representee and as a result it has been a concern for the Council’s Environmental Health Service. However, the results of investigations by a water consultant have shown that the source of the water supply is good with an incoming rate which is more than adequate to provide water for the hotel, the new developments and the property across the road which is also served by the source. Additional storage facilities, separate pipes and pressurised systems as well as UV filters will ensure the supply is satisfactory for all users. A condition is imposed in this respect.



30. The applicants have shown the requirements for upgrading the existing access on revised drawings and with the imposition of planning conditions, there are no concerns in terms of **road safety**.
31. Finally, the site's position within an NSA and close to a main tourist route means that it is important that the development is appropriately **landscaped**. Revised drawings provide indicative planting areas which generally accord with the planting areas proposed on the previous permission. A landscaping condition is proposed to ensure the submission of detailed plans, implementation and future maintenance.

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

### **Conserve and Enhance the Natural and Cultural Heritage of the Area**

32. The development does not adversely impact on any nature conservation designation or any feature of cultural heritage value. The siting, amended design and the landscaping of the development ensure that the landscape character of the NSA is not compromised.

### **Promote Sustainable Use of Natural Resources**

33. The siting of the house for an essential employee of the business within the grounds of the hotel will reduce the need for commuting. The buildings, in particular, the holiday lodges, use timber as a finishing material.

### **Promote Understanding and Enjoyment of the Area**

34. The development has no direct implication of a positive or negative nature on this aim.

### **Promote Sustainable Economic and Social Development of the Area**

35. The development of the holiday lodges and suitable permanent on site accommodation for a worker essential to the efficient operation of the hotel business, will help sustain and expand the economic viability of this rural business which provides a service to both the local community and visitors to the Park.

## RECOMMENDATION

36. That Members of the Committee support a recommendation to:

**Grant Full Planning Permission for the Erection of a Dwellinghouse and 4 No. Holiday Lodges at the Inver Hotel, Crathie, subject to:-**

**a) completion of a section 75 Legal Agreement which will:-**

- i) restrict occupancy of the dwellinghouse to a person working full time in the adjacent Inver Hotel business;**
- ii) restrict the use and occupancy of the lodges for holiday purposes only (ie. no use by a tenant, lessee, owner or occupier as their principle dwellinghouse, with no single period of occupation exceeding one month), and;**
- iii) retain both the dwellinghouse and the holiday lodges (collectively) in the ownership of the Inver Hotel business in perpetuity.**

**b) imposition of the following conditions;**

1. The development to which this permission relates must be begun within five years from the date of this permission.
2. The development shall be landscaped and maintained in accordance with a scheme which shall be submitted to and approved by the CNPA acting as Planning Authority before development commences. The scheme shall include indications of all existing trees and landscaped areas on the land and details of any to be retained, together with measures for their protection in the course of development and shall indicate the siting, numbers, species and heights (at time of planting) of all trees (which shall be indigenous species with a high proportion of birch and aspen), shrubs and hedges to be planted and to the extent of any areas of earthmounding, and shall ensure:-
  - a. Completion of the scheme during the planting season next following completion of the development, or such other date as may be agreed in writing with the CNPA acting as Planning Authority.
  - b. The maintenance of the landscaped areas in perpetuity in accordance with a detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

3. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no fences or walling shall be erected on the site without the prior written consent of the CNPA acting as Planning Authority.
4. Prior to the commencement of development on site, exact details and specifications (by way of sample if necessary) for the following finishing materials, shall be submitted for the further written approval of the CNPA acting as Planning Authority:-
  - a. the detail and colour of the vertical timber cladding for the house and the holiday lodges;
  - b. the type, profile and colour of the roof cladding for the holiday lodges;
  - c. the wet harl wall finish for the house;
  - d. all external hard landscaping areas, including the car park and footpaths; and
  - e. the windows for both the house and the lodges, which shall be timber framed and closely resemble sash and case units.
5. Unless otherwise agreed in writing with the CNPA acting as Planning Authority, following consultation with Aberdeenshire Council's Environmental Health Service, the provision of the private water supply to serve the development hereby approved, shall be in accordance with the details provided in the letter dated 10 February 2005 from the Scottish Agricultural College Building Design Services, all to the satisfaction of the CNPA acting as Planning Authority in consultation with Aberdeenshire Council's Environmental Health Service.
6. Prior to the commencement of any development on site, the following works at the existing access shall be carried out and maintained to the satisfaction of the CNPA acting as Planning Authority, in consultation with Aberdeenshire Council's Transportation and Infrastructure Service:-
  - a. visibility splays of 4.5m by 215m being provided in both directions and thereafter maintained free from any obstructions of a height exceeding one metre above the adjacent carriageway levels;
  - b. the access being widened to 5m with a 3m bellmouth radii; and
  - c. the first 10m of the access being surfaced in bitmac.
7. That, unless otherwise agreed in writing with the CNPA acting as Planning Authority, following consultation with Aberdeenshire Council's Transportation and Infrastructure Service, at no time in the future shall trees be planted on the site within 5m of the adjacent carriageway edge.

8. Prior to the commencement of any development on the site, a sign shall be erected to indicate that all parking shall be to the rear of the hotel building only. Exact details of the position and design of this sign shall be submitted for the further written approval of the CNPA acting as Planning Authority prior to works commencing on site.

**Neil Stewart**  
**4 March 2005**

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