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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

**Prepared by: ROBERT GRANT, PLANNING OFFICER  
(DEVELOPMENT MANAGEMENT)**

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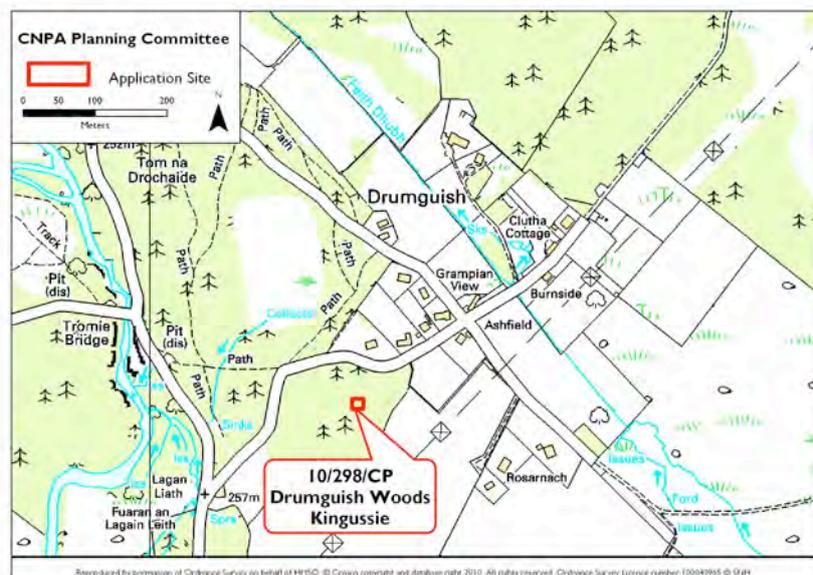
**DEVELOPMENT PROPOSED: CHANGE OF USE OF PART OF A MACHINERY STORAGE SHED TO FORM A BOTHY (RETROSPECTIVE) AT DRUMGUISH WOODS 100M SW OF WEST END DRUMGUISH KINGUSSIE**

**REFERENCE: 10/298/CP**

**APPLICANT: MR JOHN M. BARTON**

**DATE CALLED-IN: 17 SEPTEMBER 2010**

**RECOMMENDATION: APPROVE WITH CONDITIONS**



**Fig. 1 - Location Plan**

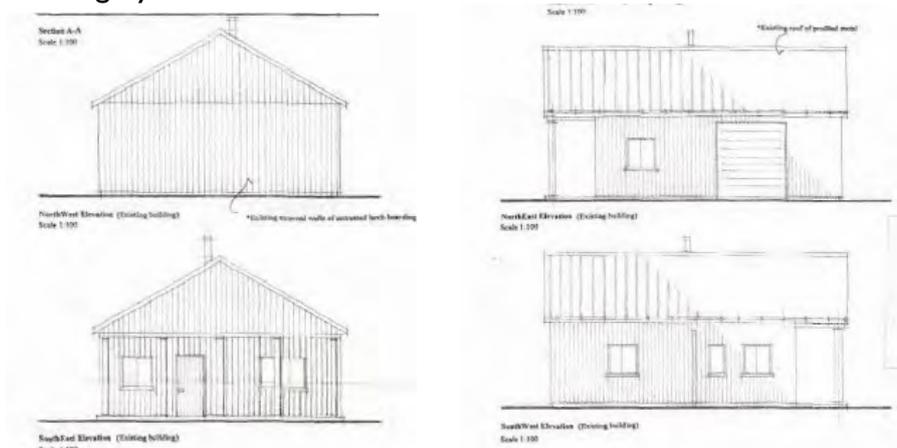
## SITE DESCRIPTION AND PROPOSAL

1. The site lies within Drumguish Woods to the south west of Drumguish, Kingussie and comprises a recently constructed outbuilding used for machinery storage. A number of residential properties including that of the applicant lie to the immediate north east beyond an unmade access track; farmland and further woodland make up the remainder of the backdrop to the site. Drumguish Woods (9.6 acres) is privately owned by the applicant and is managed for biodiversity and visual/general amenity purposes.



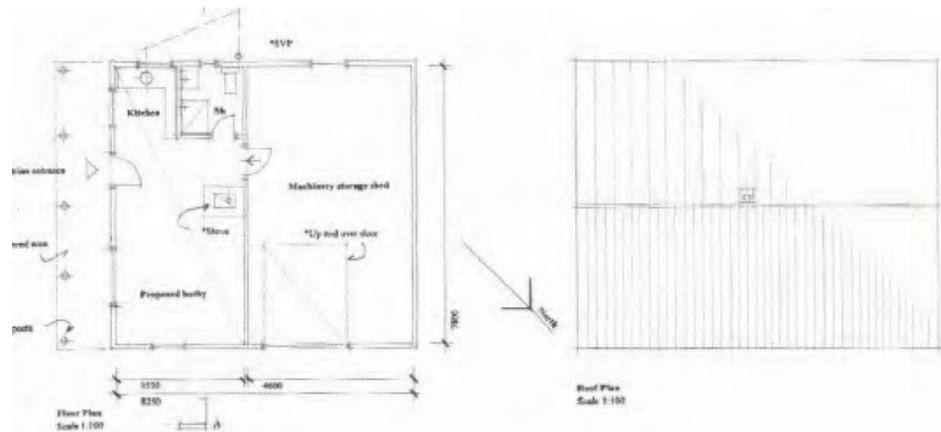
**Fig. 2 – Machinery Store from SE**

2. Retrospective planning permission is sought for the part change of use of the machinery shed to include a 'bothy.' This application follows on from enforcement action taken when an area within the store was converted to form facilities usually associated with residential accommodation. The applicants live nearby (approximately 100m at a house known as 'West End') and state that the bothy would not be used for residential accommodation but would provide an area for 'dry storage, basic facilities' and an informal rest area for use during working in the woodland.
3. The outbuilding is finished in rough sawn timber cladding, built on a concrete foundation and is 7 metres long (NE to SW) by 5.5 metres wide (NW to SE) with a grey sheet metal roof.



**Fig. 3 – Elevations**

4. An area, approximately 50% of the total internal floor area has been partitioned off from the machinery storage area (which features forestry equipment, a 'quadbike' and trailer and other machinery). This 'room' has been lined out with timber, floored and features a number of windows along with a door to an external veranda; an internal connecting door also links it to the machinery store. At the time of a site visit by CNPA officials, it was noted to contain various forestry equipment and supplies (chainsaws, loppers and protective tubing) alongside a kitchen sink, kitchen cupboard units and a fridge, in addition a further smaller partitioned area had a toilet installed, while a wash basin and shower unit were also due to be added. A septic tank and soakaway have been constructed, while the building also has an electricity supply taken from the applicants nearby house.



**Fig. 4 – Internal Layout (showing store, bothy and shower room)**

### BACKGROUND

5. The outbuilding was constructed around December 2009 and largely completed by April 2010; the CNPA were notified of the application – an Agricultural Notification (09/280/CP) for a 'machinery storage shed' for forestry purposes only. This was not called in but comments made on the building appearing suitable for its woodland surrounding. The CNPA Monitoring and Enforcement Officer was alerted that the building had been constructed in early September 2010, however with some internal modifications to include some 'domestic' facilities and fittings.



**Fig. 5 – Additional perspectives (including showing part of managed wood)**

## DEVELOPMENT PLAN CONTEXT

6. Part 2, Section 25 of the Planning etc (Scotland) Act 2006, requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Planning Committee has now resolved that the Cairngorms National Park Local Plan proceeds to adoption on 29 October 2010 and consequently it is this Local Plan that is now being used as the basis for planning determinations, along with the Highland Structure Plan 2001 and the National Park Plan. The Badenoch and Strathspey Local Plan 1997 is still a material consideration until that time.

### National policy

7. **Scottish Planning Policy 2010** is the statement of the Scottish Government's policy for the land use planning system, supporting the central purpose of increasing sustainable economic growth. All new development should respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards. The protection and management of woodland, particularly where opportunities to create new woodland and planting of native species is encouraged.

### Cairngorms National Park Plan (2007)

8. The **Cairngorms National Park Plan** sets out the strategic objectives for the Park under three headings – (i) conserving and enhancing the Park; (ii) living and working in the Park; and (iii) enjoying and understanding the Park.
9. Under Section 5.1 **Conserving and Enhancing the Park Strategic objectives** include Maintaining and enhancing the distinctive landscapes across the Park and promoting appropriate reintroduction and reinstatement of habitats. Within the objectives for Forest and Woodland Management, a number of related priorities can be found including: Promote multi-objective forest and woodland management that delivers environmental, economic and social benefits; enhance the condition of existing woodland cover; and contribute to national efforts to address climate change.

### Highland Council Structure Plan (2001)

10. **Policy L4 (Landscape Character)**, states that the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.
11. **Policy G2 (Design for Sustainability)**, lists a number of criteria on which proposed developments will be assessed. These include service provision (water and sewerage, drainage, roads, schools electricity); accessibility by public transport, cycling, walking and car; energy efficiency in terms of location, layout and design (including the utilisation of renewable energy sources); use of brownfield sites, existing buildings and recycled materials; demonstration of sensitive siting and high quality design; contribution to the

economic and social development of the community; and the impact on resources such as habitats.

### **Cairngorms National Park Local Plan (2010)**

12. The CNP Local Plan is the most material Local Plan in the determination of planning applications in the National Park.
13. **Policy 3 Other Important Natural and Earth Heritage Sites and Interests** requires that development should not affect such interests (such as in this case Ancient Woodland).
14. **Policy 5 Biodiversity** requires development to avoid adverse effects on habitats and species identified in the LBAP.
15. **Policy 6 Landscape** states a presumption against any development that does not complement and enhance the landscape character of the Park.
16. **Policy 11 The Local and Wider Cultural Heritage of the Park** development should protect, conserve and enhance the cultural heritage of the area.
17. **Policy 12 Water Resources** development should utilise SUDS, be free from the risk of flooding and connect to the public sewerage network where available.
18. **Policy 16 Design Standards for Development** requires that all development minimises the effects of climate change, reflects the local vernacular and uses materials and landscaping that compliments its setting.

### **Badenoch and Strathspey Local Plan (1997)**

19. The Badenoch and Strathspey Plan is still relevant until its replacement.
20. The Badenoch and Strathspey Local Plan 1997 Local Plan details a number of pertinent conservation objectives and states that the priority is to promote sustainable development of the areas' resources. The conservation strategy advocated for the countryside includes provision being made for the restoration and expansion of the core Caledonian Forest.

### **CONSULTATIONS**

21. **Kincaig and Vicinity Community Council** has no concerns regarding the application; however regret the retrospective nature of the works.
22. The **Forestry Commission** were consulted but returned no comment.

## REPRESENTATIONS

23. Three letters of representation (Attached) have been received from neighbouring properties. Many of these point out that the applicant has safeguarded the woodland and the amenity of Drumguish itself since he purchased the remaining wood and felled area in 1993 and subsequently conserved and enhanced it by extensive replanting. A number of other points are raised about the building including:
- its prominent siting, in view of neighbouring houses and the access road;
  - concern at possible residential use or future letting out;
  - the appearance of the building in general, with a front porch area, and;
  - the use of the term 'bothy,' which is considered inappropriate

## APPRAISAL

24. The principle, siting and general design of the building itself are all accepted as a result of the Agricultural Notification (09/280/CP) approved by Highland Council and not called in by the CNPA. Admittedly, the appearance of the store with its veranda does readily lend itself to the easy conversion to a bothy to include residential facilities, however overall the appearance of the building appears traditional and generally of good quality. The siting of the building therefore cannot be re-examined within this application, albeit it is considered that when the landscaping matures, the prominence of the building should reduce and any impact on the neighbouring properties lessen. The object of this report is to look at the change of use to include a bothy that has been carried out beyond the scope of the earlier application.
25. The purpose of the building is primarily to provide storage of forestry equipment and machinery, but during its construction, it was decided to introduce the small kitchen and washroom facilities. The change of use to include a bothy, perhaps inevitably leads to concerns that the building may be used or has the potential to be readily adapted for residential use for holiday letting purposes. The appearance of the shed with a veranda and a number of windows, does to an extent have a domestic chalet appearance, however the nature of the building overall has been designed to be functional and practical, with some limited facilities to allow the applicant and his family to rest and enjoy the amenity of the woodland while working in it.
26. The applicant and his wife live within 100m of the wood, in direct sight of the building and wish to use the bothy for resting, storage and washroom facilities. He has provided supporting information that outlines the woodland management plan for the wood, whilst confirming that the sole intention of the building is to be used for forestry purposes only and he has no intention to let it out. The 9.6 acre woodland, which contains mature European Larch and Scots Pine was purchased in 1993 and since that time, he and his family have spent on average 2 -3 days per week planting a significant number of native trees (indicated as 2,500) for biodiversity and amenity purposes in an area that had been previously clear felled by the Forestry Commission. They

do not commercially harvest the timber and spend a great deal of their time maintaining and enjoying the woodland. There are no concerns regarding residential amenity to neighbouring properties.

### **Conclusion**

27. The applicant has provided sufficient information to demonstrate that the bothy would be used for personal use only, associated with their day to day management of the woodland and that they have no intention of converting it or letting it out. The bothy would allow for basic amenities for 'dry storage, a toilet and wash area and an informal rest area for use during working in the woodland. The applicant has agreed to suspensive conditions preventing the bothy/store being used for any other purposes than those associated with forestry management or its separate disposal from the woodland.

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

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

28. The use of the building is integral to the forestry management of Drumguish woods by the applicant and his family. The biodiversity benefits for species including habitat creation and the reintroduction of Scots Pine and other native species is considered to conserve and enhance the natural and cultural heritage of the area.

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

29. The applicants use the fallen timber for heating their house.

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

30. The use of the building results in a strong connection between the local woodland being used for biodiversity and amenity use. The site is adjacent to a right of way to Kingussie, the bothy/store is sufficiently screened whilst walkers and other users of the track can enjoy the biodiversity and visual amenity of the native woodland with its Scots Pine, immature Birch and Aspen.

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

31. The bothy/store is intended to be utilised for forestry management purposes associated with biodiversity/amenity enhancement purposes only.

## **RECOMMENDATION**

- A. That Members of the Committee support a recommendation to GRANT planning permission for the change of use of a part of a machinery storage shed to form a bothy (retrospectively) subject to the following conditions:**

1. The use and occupancy of the store/bothy hereby approved is restricted for woodland management purposes (ie. Not for use for any other unrelated purposes), and;

The store/bothy hereby approved shall be retained in the same ownership of the Drumguish Woodland in perpetuity, unless otherwise agreed in writing by the CNPA acting as Planning Authority.

**Reason:** To ensure the continued use of the store/bothy for purposes only allied to the woodland.

2. The development shall be landscaped and maintained in accordance with a scheme which shall be submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority prior to the commencement of development. The scheme shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and shall ensure:-

- (a) Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the Planning Authority.

- (b) The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

**Reason:** To ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development.

- B. A letter be sent to the applicant expressing the disappointment of the CNPA that the change of use and works were carried out prior to planning permission being granted.**

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30 September 2010  
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