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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

**Prepared by:** ANDREW TAIT, PLANNING OFFICER  
(DEVELOPMENT CONTROL)

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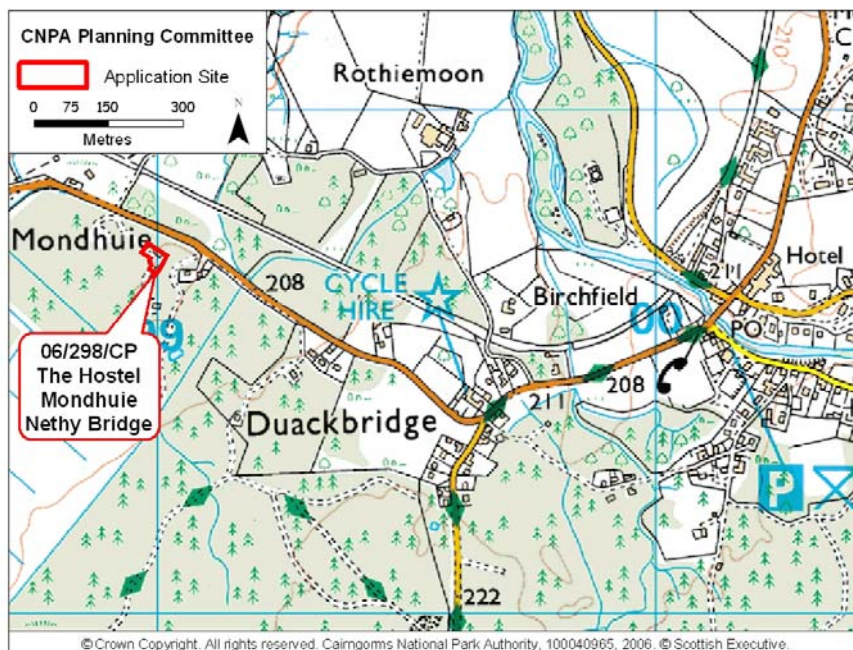
**DEVELOPMENT PROPOSED:** CHANGE OF USE FROM 'SELF CATERING HOSTEL' TO A PRIVATE DWELLING, MONDHUIE WOODS, NETHY BRIDGE. (FULL PERMISSION)

**REFERENCE:** 06/298/CP

**APPLICANT:** MR AND MRS J HALL, (CARE OF AGENT), McLEOD BUILDING LTD, 78 HIGH STREET, GRANTOWN ON SPEY

**DATE CALLED-IN:** 11<sup>TH</sup> AUGUST 2006

**RECOMMENDATION:** REFUSAL



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. Full planning permission is sought for a change of use of a completed single storey 'self catering hostel' known as the 'log cabin' to a private dwelling house. The building is located in Mondhuie Woods west of Nethybridge, on the B970 between Nethybridge and Boat of Garten.



Fig.2: Access to building via B970



Fig.3: Front elevation facing access

2. The development has been subject to two previous applications' in relation to change of use to residential, which were submitted to Highland Council. The first application made was refused by Highland Council on 28 January 2000. The second application made for change of use was submitted in conjunction with a porch extension, which was refused on 16 August 2002. Although a further planning application was approved for only the porch extension in March 2004.
3. The development was originally approved by Highland Council in 1997, then again in September 1998 with the correct neighbour notification as a self-catering hostel to improve the service of budget accommodation, particularly in relation to needs of disabled and given the proximity of Speyside Way. However, an observation by neighbours cited in the previous two applications highlighted a lack of or non-existent usage of the property as a self-catering hostel. The first application was made for change of use while the building was still under construction.

## DEVELOPMENT PLAN CONTEXT

### The Highland Structure Plan

4. **Policy H3 Housing in the Countryside:** housing development will generally be within existing and planned new settlements. New housing and conversions of non-traditional buildings in the open countryside will not be permitted, unless it can be demonstrated that it is required for the management of the land and related family purposes. Exceptions may also be made for social housing providers in meeting demonstrated local affordable housing needs that cannot be met within settlements. Elsewhere, housing in the countryside of an appropriate

location, scale, design and materials may be acceptable where it supports communities experiencing difficulty in maintaining population and services.

### **Badenoch and Strathspey Local Plan**

5. **Policy 2.1.2.3: Restricted Housing in the Countryside Area**, states a strong presumption will be maintained against the development of houses in all sensitive areas. Exceptions will only be made where housing is essential to land management, related family and occupational reasons. Restriction on subsequent occupancy of such houses will be enforced. Adherence to principles of good siting and design will be required. Where houses are to be approved they should be sited to reflect the characteristic scatter of established development. Proposals must maintain a good degree of separation from existing properties and any valid permissions.

### **Highland Council Housing in the Countryside Development Plan Policy Guideline 2006**

6. **Highland Council have produced a new Planning Development Policy Guideline Housing in the Countryside (March 2006). The CNPA was not consulted on and has not adopted these guidelines.** This document sets out the Council's approach to housing in the countryside, taking account of Structure Plan Policy and also more recently issued national guidance on rural development. The guidance notes that **open countryside** is all land outside the boundaries of defined settlements and not closely related to any listed housing group. New housing within open countryside will be exceptional and will only be permitted, in accordance with national guidance and the approved Structure Plan policy, where it complies with the following requirements.
7. **Land management or family purposes related to the management of the land (retired farmers and their spouses).** Any proposal for new housing in the countryside associated with land management activities must demonstrate that a sequential approach to the identification of the need for that house has been followed. This means that applicants must be able to demonstrate that: there is no potential to use existing accommodation in the area; there are no existing permissions (not time expired) for dwellings that have not been taken up or developed; there is no evidence of houses or plots having been previously sold off from the farm holding; and there is no land on the farm holding that has been identified within an existing settlement. New housing will only be regarded as essential where it is related to material planning considerations and meets the criteria specified. **The personal preferences or financial circumstances of any individuals involved are not material planning matters.** Applicants

must provide evidence of existing land management activities to justify a new house, as detailed below.

8. **Agriculture.** Applicants must provide an independent statement of the level of need related to the management of land. The Council reserves the right to validate any consultant's report and the applicant will be charged for this validation. Justification will be judged against both a functional test (scale and nature of enterprise) and a financial test (viability of enterprise).
9. **Croft Land Management.** It is recognised that a degree of flexibility will be required, for example, in such circumstances it may not be possible to sustain full time employment and this will be taken into consideration in the tests. Any application for a house associated with crofting should be on a registered croft or associated common grazing and accompanied by appropriate confirmation from the Crofters Commission of the bona fides of the crofting application. Regard should also be had to the history of the previous housing development on the croft and the density of development. Any new housing must support and respect the traditional settlement pattern, the better agricultural land of the croft and not compound sporadic suburban type development.
10. **Conversion or re-use of traditional buildings or the redevelopment of derelict land** The development of rural brownfield sites is supported by national policy, and Planning Advice Note 73 defines these as sites which are occupied by redundant or un-used buildings or land that has been significantly degraded by a former activity. It will be important through this policy to secure the retention of historically valuable buildings which are no longer required for their original use, as well as to offer the opportunity to remove former agricultural or industrial buildings which remain an eyesore in the countryside. The key is to achieve net environmental benefit through the conversion or re-use of traditional rural buildings or the redevelopment of derelict land.

### **Draft National Park Policy**

11. For information purposes only, **Draft Cairngorms National Park Plan: Priorities for Action 2007-2012** puts forward 7 priorities for the National Park. One of these is "Conserving and Enhancing the Park's Biodiversity and Landscapes". Work within this priority includes enhancing the Park's landscapes, identifying and enhancing habitat networks, enhancing the condition of designated sites within networks, and protecting biodiversity. Another priority is "Making Housing Affordable and Sustainable". Work within this priority includes increasing supply and accessibility, promoting effective co-ordination and co-operation, and improving the quality and sustainability of design. Other priorities include making tourism and business sustainable and providing high quality opportunities for outdoor access.

**Please note the Draft Park Plan is not a land use development plan and carries no material weight at this stage.**

12. **The Cairngorms National Park Local Plan (Draft for Consultation)** identifies the area for the application as a General Policy 2 Area. This policy considers that development will only be permitted where it is demonstrated that there is no alternative and: the aims of the National Park or objectives of designation and the overall integrity of the areas, features or interests will not be compromised; or any significant adverse effects on the special qualities of the National Park or qualities for which the area, feature or interest has been designated or identified, or amenity or public health are clearly outweighed by social or economic benefits of national importance and are mitigated to provide features or interests of equal importance to those that are lost.

### **CONSULTATIONS**

13. **The CNPA Economic and Social Development Group** consider that the loss of a single hostel in this instance may not be significant to the wider economy of the area. However, no case is made regarding lack of viability.

### **REPRESENTATIONS**

14. A letter from the applicant's agent is attached at the back of the report.

### **APPRAISAL**

15. This application relates to an existing building with associated access and services. The one key issue relates to the principle of changing its use from an economic use (hostel) to a single private dwelling. This should be considered against the prevailing planning policy context for the area.
16. The development is situated in a restricted countryside area in the Badenoch and Strathspey Local Plan (1997) Policy 2.1.2.3 considers that no housing will be allowed in the area except under particular circumstances which relate to land management, related family and occupational reasons.
17. There is a long and complicated planning history to this site. The hostel first received planning permission in November 1997. However, this permission was found to be challengeable as neighbour notifications had not been carried out correctly. The hostel received a further permission with the correct notifications in September 1998 but in November 1999 the first application for change of use to a dwelling was received by Highland Council while the building was still under construction. The key factor to note is that 2 previous proposals to

change the use of this hostel to a private dwelling have been rejected by Highland Council Planning Committee as the proposal was considered contrary to the restricted countryside area policy. Both decisions were made under the current Badenoch and Strathspey (1997) Local Plan.

18. I am not aware of any change in circumstances at the site since the last refusal. In terms of background the previous applications were submitted prior to the creation of the National Park. The only difference in terms of policy context is that Highland Council has published new housing in the countryside guidelines (although it is to be noted that the CNPA have not been consulted upon this document). There is nothing in this new document that lends support to the proposal. In terms of conversions and change of use of buildings there is more detailed guidance than previously. However, this relates to the redevelopment of traditional buildings or redevelopment of derelict sites. The timber hostel is neither a traditional building that needs conversion to ensure its retention, nor can it be argued that the building/site is derelict. Recently, the building was still being advertised on the internet as a hostel.
19. No land management case is being put forward in this instance. The justification put forward is that the bulk of the interest in the hostel for sale has been for its use as a private dwelling. However, it is clear that this is not its current, authorised use. The letter uses the word 'bulk' which implies that there may have been some level of interest in the building for other purposes. The letter states that there may be local workers in health and educational services who are interested in the property. However, no solid evidence is provided of this. In any case, this is not material in terms of the policy as such issues relate to personal circumstances.
20. In more crucial terms, Highland Council have also consistently rejected the proposal in terms of the detail of the housing in the countryside policy which considers that new housing should reflect the characteristic scatter of development. The hostel is considered to be too close to other housing (immediately to the east of the site) to properly accord with this requirement.
21. Planning law is clear in that only very limited weight can be attached to personal circumstances. Balanced against this, there is a policy of restraint on housing in the area and also two previous refusals from Highland Council on the basis of the restricted countryside policy. In my view, it would be wildly inconsistent of me to recommend approval of such a scheme. If the applicants continue to submit applications in my view they may wish to consider testing the policy by appealing to the Scottish Executive rather than submitting repeat applications.

22. Decisions about where residential development should be located are more properly dealt with through the Local Plan process, ad hoc decisions on approval of applications in restricted countryside areas contributes to undermining the Local Plan process but also encourages further 'unjustified' applications of this type.
23. Overall, it is clear that there is no justification here for departing from a policy of restraint. The proposal is contrary to policy and consequently recommended for refusal. In addition, while the loss of the hostel may not be significant in terms of the wider picture of tourist accommodation in the area its loss would undermine any contribution to the promoting understanding and enjoyment aim of the park. This would to some extent be negative because of the unjustified loss of the accommodation that is suitable for a wide range of people close to the Speyside Way.

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

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

24. The proposal would have little effect in terms of the natural and cultural heritage of the area, as the building has already been erected and this proposal is for a change of use. However, the area surrounding the building could be enhanced with sympathetic landscaping, in order to help the building fit better into its natural surrounding.

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

25. Due to the nature of the proposal for change of use, this aim is not affected.

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

26. The original application for the erection of a self-catering hostel was granted planning permission by Highland Council due to its close proximity to the Speyside Way and the obvious lack of budget accommodation, especially in relation to disabled access. The loss of the hostel may not be significant in itself; however, it does currently make some contribution to this aim whereas a private dwelling would make no contribution. No argument has been made regarding lack of viability.

## Promote Sustainable Economic and Social Development of the Area

27. The loss of this development may not have a significant impact on the local economy due to the size of the business. However, one feature which makes the development unique is its wheelchair access. This feature has been used to market the business on such websites as VisitScotland.com. This may affect access of Speyside Way by less able tourists in taking part in recreational activities that the area has to offer.

## RECOMMENDATION

28. That Members of the Committee support a recommendation to: **REFUSE** planning permission for a change of use from 'self catering hostel' to a private dwelling, in Mondhuie Woods, Nethybridge for the following reasons:
1. The proposal is contrary to the Badenoch and Strathspey Local Plan Housing in the Countryside Policy 2.1.2.3 which indicates that within restricted countryside areas, a strong presumption will be maintained against the development of new houses unless essential for the management of land, related family and occupational reasons. In addition because of the building's proximity to other dwellings, it would not accord with the policy requirement that new houses in the countryside should be sited to reflect the characteristic scatter of established development and maintain a good degree of separation from existing properties.
  2. The proposal is contrary to Highland Structure Plan Policy H3 Housing in the Countryside and New Housing in the Countryside Guidelines both of which indicate that housing development will be within existing and planned new settlements. Exceptions may be made in the countryside for land management and related family purposes. No such arguments have been advanced in this case.
  3. Approval of such a proposal would set a precedent where it would make it difficult to resist further similar applications that are contrary to policy. This would result in potential cumulative landscape impact that would be detrimental to the natural and cultural heritage aim of the Cairngorms National Park.

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13 November 2006

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.