

SITE DESCRIPTION AND PROPOSAL

1. The site comprises an area of the Boat of Garten caravan site which currently accommodates 34 static 'holiday home caravans' alongside touring caravan and camping pitches. The remainder of the site features a further 37 static caravans, a toilet block and reception building. The number of static caravans on site totals 71 pitches, with 26 pitches for touring caravans and tents.
2. This application seeks to vary condition 1 of the planning permission granted by Highland Council in 1976 for 'Extension to Boat of Garten Caravan and Camping Park for touring caravans and tents at Boat of Garten' (Reference: BS/1976/96) and allow for the retrospective siting of 34 static caravans. The area of the caravan site for which this application relates was granted permission as an extension to the site but with a condition in place which stated that "the extension area shall be used solely for touring caravans and tented camping" (the permission also limited the number of units to a maximum of 97 across the site).
3. This planning application was submitted on the advice of Highland Council planning officials following the alleged siting of unauthorised static caravans on the western part of the site. The static caravans have been placed at two different locations within the area restricted to touring and tenting. 7 static caravans have been positioned at the north corner of the caravan park and 27 static caravans on the western part of the caravan park. The location of the retrospective static caravans is shown below on Figure 2 within the red line.

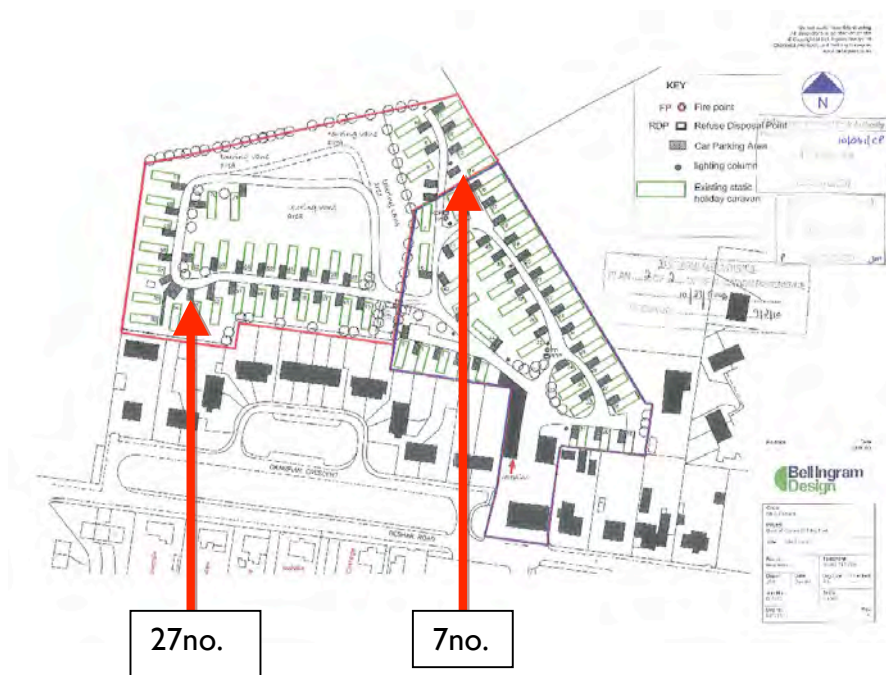


Fig. 2 - Plan showing site layout of caravan site



Fig. 3 - Static caravans on application site



Fig. 4 - Towable caravans on application site

Supporting Information

4. The applicant's agent has submitted background information stating that the applicant purchased the site in September 2005. They state that he did not have sight of the decision notice for the planning permission (BS/1976/96) for the extended area. He therefore relied on the Site Licence to control the park and erroneously began siting static caravans on the western part of the site. The applicant states that since purchasing the site, there has been an increase in demand for additional static holiday caravans which has resulted in this further section being developed with static caravans. In addition, the applicant states that the entirety of the site has not been developed for static caravans because there is also demand for touring caravans and tents on the site.

5. The applicant's agent states that this application does not propose to extend the physical boundaries of the site nor does it propose to increase the overall provision on the site and that he would be willing to accept a commensurate planning condition to retain the remaining areas for mixed touring units (i.e. touring caravans and tents). The applicant states that they have a proven need for further static caravans and tents which, incidentally, outstrips the need for touring caravans and provides a regular, secure income derived from owner occupied static holiday caravans, essential for the economic sustainability of the business. Due to the vagaries of the climate in the United Kingdom, the income derived from touring caravans and tents fluctuates. In achieving a secure income from the static caravans on the site, the applicant states he is able to upgrade the existing infrastructure on the site such as the site roads, hardstanding areas and amenity buildings and furthermore, provide an enhanced facility for touring/camping holidaymakers.

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 Plan covering the application site comprises the Highland Council Structure Plan 2001 and the Badenoch and Strathspey Local Plan 1997. The CNP Local Plan and the Park Plan are also significant material considerations.
7. The Badenoch & Strathspey Local Plan is of considerable age and therefore limited weight should be attributed to it, at the time of writing the weight of the CNP Local Plan Post-Inquiry Modifications are increasingly significant.

National Planning Policy and Guidance

8. **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. In addition it includes subject policies with regard to Economic Development (para 47) which requires planning authorities to support small businesses including high quality tourism related development. In the section titled **Rural Development** (para 92 onwards) states that policies should promote economic activity and diversification in rural areas, including development linked to tourism, whilst ensuring that the distinctiveness of these areas is protected and enhanced. 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.

Highland Structure Plan 2001

9. **Section 2.7** of the Highland Structure Plan discusses the economy and tourism in particular, noting that tourism is a vital element of the Highland economy. The identity of the Highlands includes “its built heritage, rich wildlife, scenic beauty, history and culture” which are described as the foundations on which tourism and recreation activities are based. The Structure Plan strategy aims to build on the Highland identity and to “take a proactive approach to the wise use of the natural environment as a primary resource” for tourism. The Structure Plan notes that tourism makes major demands on infrastructure and facilities and also notes that there is scope for improvement in the quality and level of provision.
10. **Policy T2 on Tourism Development** confirms Highland Council’s support for high quality tourism development proposals, particularly those which extend the season, provide wet weather opportunities, spread economic benefits more widely and provide opportunities for the sustainable enjoyment and interpretation of the area’s heritage.
11. On the specific topic of tourist accommodation, section 2.7.8 refers to a growth trend in recent years in the self-catering sector. In anticipation of further applications for chalet and other self contained accommodation, the Structure Plan advises that they must be designed for minimal impact on services, road infrastructure and the environment. **Policy T3 on Self catering tourist accommodation** expressly states that permission will only be granted for tourist accommodation proposals on the basis that the development will not be used for permanent residential accommodation.

Badenoch and Strathspey Local Plan (1997)

12. On the general subject of Tourism and Recreation, section 2.2.9 of the **Local Plan** notes that activities of this nature will continue to make a vital contribution to the economy, but also emphasises that the priority is to ensure that “broadening the range and quality of facilities and accommodation is balanced with protecting the areas exceptional scenic and heritage resources.” The plan suggests within communities and on their edges that tourist accommodation, recreation and leisure facilities of a scale appropriate to the community concerned will be promoted.
13. Section 2.2.10 of the Plan, entitled **Tourism**, states that the “Council will encourage the development of tourist accommodation and facilities at suitable sites within or immediately adjoining communities” and that “priority will be given to expansion of existing facilities.” This section of the Plan also requires that tourism proposals should “either associate well with the prevailing pattern of building, or be well absorbed visually by landform and trees.
14. Part 5 of the **Local Plan** contains Boat of Garten. The subject site is within the settlement area and the whole site is shown as the caravan and camping site.

Cairngorms National Park Plan (2007)

15. Under the strategic objective enjoying and understanding the Park the one of the objectives is to strengthen and maintain the viability of the tourism industry in the Park and the contribution that it makes to the local and regional economy.

Cairngorms National Park Local Plan Post Inquiry Modifications (2010)

16. The CNPA have accepted the reporter's recommendations and should assume the policies contained will not be the subject of any further change. Thereby the materiality of the plan is considerable in the determination of planning applications in the National Park.
17. **Policy 6 Landscape** states a presumption against any development that does not complement and enhance the landscape character of the Park.
18. **Policy 11 The Local and Wider Cultural Heritage of the Park** development should protect, conserve and enhance the cultural heritage of the area.
19. **Policy 12 Water Resources** development should utilise SUDS, be free from the risk of flooding and connect to the public sewerage network where available.
20. **Policy 25 Business Development** proposals which foster economic development will be supported where it enhances the vitality and viability to rural business activities
21. **Policy 33 Tourism Related Development** which has a beneficial impact on the local economy through enhancement of the range and quality of tourism attractions and related infrastructure including accommodation will be supported provided that the development will not have an adverse impact on the landscape, built and historic environment, or the biodiversity, or the geodiversity, or the culture and traditions of the National Park which, in the judgement of the planning authority, outweigh that beneficial impact.
22. In the section for settlement proposals, the Boat of Garten caravan and camping site is mapped under BG/ED2 on the proposals map as the plan states 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.'*

CONSULTATIONS

23. **Boat of Garten and Vicinity Community Council** initially stated that the number of units was excessive and wanted clarification on a number of points including, fire points, bins and sewage/rain water disposal and extent of area for camping.
24. The applicant responded to this directly stating that there is planning consent for a maximum number of 97 caravans and tents on the site (under BS/1976/96) and would not exceed this number. The applicant is willing to add a fire and refuse disposal point at the west end of the site. The community council in response stated that they were happy with this.
25. **Scottish Water** does not have any objection to this planning application. However, any planning approval granted does not guarantee a connection to Scottish Water infrastructure.
26. **SEPA** initially objected on the grounds of lack of information on the waste water drainage proposals. SEPA state that currently a private drainage system exists on site with a limited capacity for treatment for part of the caravan site. However, the applicants submitted a drainage report and SEPA have now withdrawn their objection subject to the inclusion of several planning conditions. These include a partial connection to the public sewer and private system, along with the caravans being only temporary and seasonal occupation only.
27. **Highland Council Environmental Health** has examined the proposals and raises no objections in relation to this application.
28. **Highland Council Planning Service** suggest that the restriction of the use of the site to touring caravans and tented camping only had its origins in a comment from the Countryside Commission for Scotland. This would have been on landscape grounds given the sensitivity of the site at the edge of village with open countryside to the north and west. Since then, tree planting carried out on the periphery of the site has grown to the point at which it might be judged that the possible landscape impact of static caravans would be adequately mitigated.
29. In addition, comment is made about the natural heritage implications, with comparisons drawn to the BoG HI housing proposals stating that the increased number of static caravans would draw additional population pressures which could impose pressures on the Capercaillie population in the nearby woodland.

30. **CNPA's Heritage and Land Management Group** have commented on the proposal from the perspectives of landscape and ecological impact. In terms of landscape, owing to the perimeter trees and scrub woodland and the location of the development relative to the settlement edge, the landscape and visual impact are minimal. From an ecological perspective concerns are also minimal regarding the potential impact on Capercaillie. The total number of visitors isn't expected to increase as the maximum number of units permitted on site is not subject to change.
31. **CNPA's Economic Development Officer** does not object to the application, based on the economic need to be flexible on-site with both static and touring caravans. This flexibility should make both the business more sustainable, and allow the owner to invest in improved visitor facilities. Other facilities exist for touring caravans and tents in the area.

REPRESENTATIONS

32. The application was advertised in the Badenoch and Strathspey Herald. One letter of representation (copy appended) has been received which states that they have no objection in principle, but has concerns regarding the possible loss of access along the pathway which runs along the boundary between the caravan site and Grampian Crescent.

APPRAISAL

33. In determining this planning application regard is to be had to the development plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The current statutory plans are those listed above, with the planning policy applicable outlined in paragraphs 06 – 22 of this report.
34. This appraisal section considers the principle, the potential effect of loss of touring caravan and tent pitches and the use of the static caravans for short terms holiday lets/occupation, impact on landscape, natural heritage and other issues such as waste water drainage.

Principle of Development

35. The policy section of the report details the Structure Plan and Local Plan policies applicable to the site. Each of the Plans include general policies which are supportive of the tourism industry and the Structure Plan recognises that there has been a growth trend in recent years in the self catering tourist accommodation sector. In terms of the Badenoch and Strathspey Local Plan (1997) tourism is recognised as continuing to make a vital contribution to the economy. The Local Plan undoubtedly encourages the development of tourist accommodation and facilities at suitable sites within or immediately adjoining communities and in particular advocates giving priority to the expansion of existing facilities.

36. The Cairngorms National Park Local Plan Post Inquiry Modifications also promotes tourism with the site allocated within the plan as BG/ED2 on the proposals map and states 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. Therefore it is considered that as the static caravans are located for holiday accommodation within a site designated as a tourism site the proposal is not contrary to the relevant planning policies.

Applicant’s Justification

37. The applicants have submitted a supporting statement which addresses concerns about the possible loss of touring caravan and tent pitches stating that ‘there has been an increase in demand for additional static holiday caravans’ and that ‘they have satisfied a proven need for further static caravans on the site, demand for which, incidentally, has outstripped the need for touring caravans and tents pitches.’
38. Furthermore the entirety of the site would not be developed for static caravans because the applicant appreciates there is also demand for touring caravans and tents on the site. A total of 26 mixed touring pitches are still available on site.
39. It is considered that as the applicant has decided to expand their business related to a change in customer demand, this is reasonable and given that there are still facilities on site for touring caravans and tents then the proposal is not considered to have a harmful impact on the variety of accommodation on offer to tourists overall. Based on the economic need to be flexible on-site with both static and touring caravans and tents this should make both the business more sustainable and allow the owner to invest in improved visitor facilities, as reported. Crucially, other facilities exist for touring caravans and tents in the area (Glenmore, Grantown, High Range, and Rothiemurchus among others – the exact numbers of pitches are difficult to establish), while some capacity for touring users would remain on this site (27 pitches).
40. In terms of the likelihood of the static vans being used as second or long term holiday homes, it is highlighted that the original permission required that the site could not be used in November every year, to deter such a use and prevent permanent occupation of the caravans.

Landscape Impact and Natural Heritage

41. In terms of landscape impact, owing to the perimeter trees and scrub woodland and the location of the development relative to the settlement edge, the landscape and visual impact are minimal. Therefore landscape impact is not considered to raise any significant issues.

42. Some concern was expressed about the potential impact of the development on the natural heritage of the adjacent woodland with increased visitor pressures; however the views of the CNPA Ecologist states that the implications impact on natural heritage are minimal. She also responded to the concerns regarding the Highland Council Planning Service comments regarding the Local Plan BoG housing allocation and the Reporters comments and states that it is not considered that the extra static caravans will have any significant impact upon the Capercaillie in the woodland; the total numbers of pitches available would not increase, therefore the total numbers of users is not expected to increase. The impact is very different from the proposed housing development in Boat of Garten as the development is proposed to be within the woodland, increasing disturbance within the woodland and reducing the core habitat area within the woodland.

Foul Drainage

43. SEPA in their consultation response stated that they have assumed that the static caravans will be for short term holiday lets / occupation, and not for semi-permanent accommodation and want a planning condition to ensure this. There is currently a condition on the existing planning consent which states that the caravan park shall not be used in the month of November of any year which is considered to help ensure that the static caravans are not used as semi-permanent accommodation. The applicants have submitted a letter to confirm that this condition has always been enforced and the site has closed during the month of November with the caravans remaining but not occupied. Further to this, SEPA required the development to connect to the public sewer. Scottish Water however has confirmed that there is no capacity in the existing Boat of Garten Wastewater Treatment Works (WwTW). SEPA have since agreed that the existing discharge, via septic tank and soakaway, may continue and be augmented until such time as there is adequate capacity within the Scottish Water sewer network. SEPA asked that the size of the soakaway should be confirmed via a suspensive condition. Therefore it is considered that given the current capacity constraints at the Boat of Garten WwTW the current proposals for foul drainage are satisfactory.
44. In terms of the letter of representation, it is considered that this application only seeks to vary a condition relating to the retention of static caravans. The issue of access to the back gardens is considered to be a private legal issue between the owners of the caravan site and the owners of the houses at Grampian Crescent and outwith the scope of this planning application.

Conclusion

45. The principle of development on the site is acceptable. The applicants have demonstrated that demand is primarily for static caravans on site, demand has outstripped the need for touring caravans and tents and provides a regular, secure income, essential for the economic sustainability of the business. Sufficient pitches are retained onsite and capacity exists elsewhere in the area for touring caravans and tents.

46. Sufficient landscaping encompasses the site to screen it, addressing the historical visual impact concerns, while it is considered that there should be no associated natural heritage impacts. In conclusion, there are no significant implications in allowing condition I to be varied and allowing the static caravans to remain.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

47. There are no significant negative impacts associated with the proposed development.

Promote Sustainable Use of Natural Resources

48. The static caravans are pre manufactured off site, the origins of the materials are not known.

Promote Understanding and Enjoyment of the Area

49. The proposed development would provide self-catering accommodation which would be of benefit in attracting visitors to the area and could thereby encourage greater understanding and enjoyment of the area for users of the facility.

Promote Sustainable Economic and Social Development of the Area

50. The development would be likely to have positive benefits in promoting economic development in the area by encouraging visitors to holiday in the area and potentially extending the season into the winter months. The economic benefits cannot however be definitively quantified at this stage.

RECOMMENDATION

51. **A.** That Members of the Committee support a recommendation to **approve the variation of the condition I of Planning Reference BS/1976/96 subject to the following conditions:**
- 1) The area can be used for static, touring and tented camping but only up to a maximum of 34 static caravans are permitted within the site boundary detailed on drawing number L (PL) 011 received by the CNPA on 5th March 2010.

Reason: To ensure an adequate mix of accommodation on site.

- 2) The caravan site shall not be used in the month of November of any year.

Reason: To ensure the static caravans are not for used for permanent, year round occupation and are for holiday use only.

- 3) The proposed foul drainage shall be carried out in accordance with the submitted Drainage Assessment, notwithstanding this further details are to be submitted and agreed highlighting the layout and size of the proposed drainage system and soakaway, which thereafter shall be implemented all as per the details agreed by the CNPA within 3 months of this consent to the satisfaction of the CNPA acting as Planning Authority.

Reason: To ensure that adequate surface water drainage measures are planned and implemented for the site.

- 4) When sufficient capacity becomes available within the local sewer network, as identified by Scottish Water, then the development shall connect to the system.

Reason: To ensure that adequate surface water drainage measures are planned and implemented for the site.

- 5) Prior to the commencement of any development, a tree protection plan showing trees marked for retention and protected around the extremities of the crowns, shall be submitted and agreed with the CNPA acting as planning authority, these measures should be in place prior to works starting. Any trees or shrubs affected by construction works shall be replaced by trees or shrubs of a similar size and species to those originally planted.

Reason: To ensure the landscape integrity of the site is retained following drainage works.

52. **B.** That a letter be sent to the applicant's indicating the Planning Committee's disappointment at the retrospective nature of this application.

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12 August 2010

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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.