

Marr Area Committee Report 22 May 2018

Reference No: APP/2018/0593

Full Planning Permission For Change of Use from Ancillary Building to form Separate Dwellinghouse (Short Term Letting Accommodation) at The Sheiling, Glendeskry, Strathdon, Aberdeenshire, AB36 8XQ

Applicant: Mr Charles Mathieson, The Sheiling, Boultenstone, Strathdon, AB36 8XQ

Agent: No Agent

Grid Ref: E:340641 N:810383
 Ward No. and Name: W15 - Aboyne, Upper Deeside And Donside
 Application Type: Full Planning Permission
 Representations: 0
 Consultations: 1
 Relevant Proposals: Aberdeenshire Local Development Plan
 Map
 Designations: Rural House Marketing Area
 Complies with: Yes
 Development Plans:
 Main Recommendation: Refuse



NOT TO SCALE

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1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.9.1 of Part 2A List of Committee Powers and Section C.3.1i of Part 2C Planning Delegations of the Scheme of Governance as the application is recommended for refusal but at least two Local Ward Members in the Ward in which the development is proposed, have requested that the application be referred to the Area Committee.

Councillor Peter Argyle – Suggests further discussion at Area Committee on the roads issue; and

Councillor Paul Gibb - To consider further the planning policy implications of the proposal in relation to Supporting Economic Growth, Part 2 tourism and leisure development.

- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 Full planning permission is sought for the change of use from a residential ancillary building to form a separate dwellinghouse, for short term letting accommodation, at The Housie at The Sheiling, Glendeskry, Strathdon. The site is located within the Cairngorm National Park.
- 2.2 The application site consists of the main dwellinghouse, called The Sheiling, which lies to the south west of the ancillary building, known as The Housie. There is also an outbuilding which lies between The Sheiling and The Housie. The site is open, with no boundary treatments between the buildings.
- 2.3 The access road lies to the west of the site, open space and woodland to the north and east, and residential properties to the south. The Housie is currently a one bedroom ancillary building, and is a traditional single storey stone building with accommodation in the roof space. The building has a slate roof with white uPVC windows. Parking is available within the curtilage of The Sheiling.
- 2.4 No external alterations are proposed to this building. There would be no change to the existing water supply or drainage arrangements, nor any indication that the curtilage will be subdivided.
- 2.5 In 2017, the applicant submitted an application (APP/2017/2172) for the change of use from Class 9 (Ancillary Accommodation) to Class 7 (Holiday Let). There was some issues with the nature of the application, in terms of

the use class proposed, but the primary issue with the historical application related to Roads Development objecting to the proposal based on insufficient visibility at the junction with the access road and the A97. The applicant, together with the owner of the land, carried out various tree felling works to try and improve the visibility. However, despite the work carried out, the roads objection remained and the application was withdrawn as a result.

- 2.6 A business plan was submitted by the applicant and states that the purpose of the proposal is to utilise The Housie as holiday accommodation for single occupation or couples. The funds would then be used to assist with the upkeep of the rest of the buildings on the site. The Housie would be let throughout the year, and their target market would be single people or couples; where they believe there is a gap in the market. The optimum number of guests would be two, but the bed settee would allow a maximum of four. The applicants believe that holiday makers would bring some financial benefit to businesses in the local area and that there would be a minimal negative impact on the area.

3. Representations

- 3.1 No valid letters of representation have been received.

4. Consultations

- 4.1 **Infrastructure Services (Roads Development)** has objected to the application based on insufficient visibility. Visibility southwards at the junction of the access road with the A97 is considered acceptable but northwards it is obstructed by trees along the roadside. The roadside bank immediately adjacent to the access has been lowered with trees being cut down. Tree branches beyond have been trimmed back but visibility is still obstructed by some of the trees that remain. The proposed change of use would lead to an increase in use of the access by the public as users of the holiday accommodation.

5. Relevant Planning Policies

5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage

change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

5.2 Cairngorm National Park Development Plan 2015

Policy 1: New Housing Development, Part 8 Conversions

Policy 2: Supporting Economic Growth, Part 2 Tourism and leisure development

Policy 3: Sustainable Design, Part 1 Design statements and Part 3 Converting existing building stock

6. Discussion

- 6.1 Full planning permission is sought for the change of use of an ancillary building to form a separate dwellinghouse (short term letting accommodation). The main issues to be addressed in determination of this application includes the acceptability in principle of the change of use of the existing ancillary accommodation to form a separate planning unit, and whether the proposal would have an impact on the surrounding rural area, and whether it can be adequately serviced. The policies contained within the Cairngorms National Park Local Development Plan (2015) are the main consideration in this case, together with an assessment of any material considerations.

Principle and sustainable design

- 6.2 Policy 1: New housing development, Part 8 Conversion and Policy 3: Sustainable Design, Part 3 Converting existing building stock of the Cairngorm National Park (2015) support the conversion of existing traditional buildings where it is demonstrated that the building is capable of the proposed conversion works; and it maintains the style and character of the original building in terms of form, scale, materials and detailing, where they contribute positively to the context and setting of the area.
- 6.3 It is considered that this proposal satisfies these policies as it would be the change of use of an existing ancillary building with no external alterations. The “conversion” in this context is really a change in how the building is to be used. The proposed use as a separate dwellinghouse is compatible with the surrounding residential land uses, and therefore reinforces the character of the area as a small residential cluster in a rural setting. The application site covers consists of the main dwellinghouse, The Sheiling, which lies to the south west of The Housie, and an outbuilding which lies between the main dwellinghouse and the ancillary building. The three buildings all lie within the same curtilage, and no subdivision of feu is proposed and the site will remain relatively open. The site is large enough to accommodate parking for both The Sheiling and The Housie. As a result, the principle of development is acceptable in terms of Policy 1, Part 8 and Policy 3, Part 3.

Supporting Economic Growth

- 6.4 Policy 2: Supporting Economic Growth, Part 2 Tourism and leisure development allows development which enhance tourism and leisure related infrastructure including accommodation where:
- a) it has no adverse environmental impacts on the site or neighbouring areas;
 - b) it makes a positive contribution to experience of visitors; and
 - c) adds to or extends the core tourist season.
- 6.5 As the proposal involves the change of use of an existing building, it is not considered that there will be any adverse environmental impacts on the site, or indeed the neighbouring area. The proposal therefore complies with part a) of the criteria set out above. The site lies within the Cairngorm National Park which provides a number of attractions such as walking, cycling or skiing. Tourist accommodation at this location in close proximity to these activities would help contribute to the tourist season, as outlined in the Business Plan. The Planning Service are satisfied that the provision of accommodation for a small number of people would make a positive contribution to the experience of visitors to the area. Finally, as highlighted in the Business Plan, the applicant plans to lease the property throughout the year and would therefore contribute not just to the core tourist season but all year round. Overall, it is considered that the proposal complies with criteria a), b) and c) of Policy 2: Supporting Economic Growth, Part 2 Tourism and leisure development.

Layout, siting and design

- 6.6 As the proposed development only involves the change of use of an existing building, with no alterations to the existing building proposed, layout, siting and design do still require to be considered, but in this instance the re-use of an existing building poses no impact with regard to layout, siting and design. In terms of amenity, while the proposed use of the property would be for short term guests, it is not conceived that this would have a significant impact on the amenity of the neighbouring property as the site is of a sufficient size to allow a small amount of private amenity space for each property. Potential issues due to the individual actions of guests who may stay in The Housie is not a material planning consideration. As no new physical development is taking place, there will be no impacts on the wider landscape area.

Technical considerations

- 6.7 Infrastructure Services (Roads Development) were consulted and have objected to the application based on insufficient visibility at the junction of the existing access track with the A97. Visibility southwards at the junction of the access road with the A97 is considered acceptable, but northwards it is obstructed by trees along the roadside. The roadside bank immediately adjacent to the access has been lowered with trees being cut down. Tree branches beyond have been trimmed back but visibility is still obstructed by

some of the trees that remain. The remaining trees are on land that is in third party ownership, rectifying the issue would involve the removal of mature beech and pine trees, taking down a dry stone retaining wall and moving tonnes of earth, which is not feasible for the applicant. The proposed change of use would lead to an increase in use of the access by the public as users of the holiday accommodation. An appropriate means of access is required to comply with part j) of Policy 3: Sustainable Design, Part 1. The objection from Roads Development means that this fails to comply with policy. Whilst a solution has been identified, the land is not within the adopted road verge, so the Council's Roads team can't assist in resolving the visibility issue, and the identified mitigation measures on third party land are not viable for the applicant, given the level of work required to remove trees, walling and earth.

- 6.8 No drainage information was requested in this case, since no changes to the drainage or the building itself are proposed. Given that the building has been in ancillary residential use for some time, the current drainage arrangements are considered to be acceptable. Whilst approval of this application would result in a new and separate planning unit being formed, the case for the proposal is clearly associated with the adjacent dwelling, and would be managed by the applicant who resides in the adjacent property. In this instance, continuation of the existing shared water and drainage infrastructure is acceptable, but were this property to ever become a permanently occupied independent dwelling, it would require to have its own separate services and amenities, including garden ground, drainage provision, water supply and access/parking.

Conclusion

- 6.9 The proposed change of use for an existing building with no external alterations does comply with a number of policies in the CNPA LDP, however, the Roads Development objection relating to the visibility of the existing access, and the resultant road safety and public risk stemming from the intensification of use of that junction should this proposal be granted, cannot be overcome. As a result, the proposal fails to comply with part j) of Policy 3: Sustainable Design, Part 1 of the Cairngorm National Park Plan 2015, and this application is recommended for refusal.

7. Area Implications

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

8. Implications and Risk

- 8.1 An Equality Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.
- 8.2 There are no staffing and financial implications.

8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

9. Sustainability Implications

9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

10. Departures, Notifications and Referrals

10.1 Strategic Development Plan Departures

None

10.2 Local Development Plan Departures

None

10.3 The application is not a Departure from the Local Development Plan or Strategic Development Plan and no departure procedures apply.

10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.

10.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

11. Recommendation

11.1 **REFUSE Full Planning Permission for the following reasons:-**

The visibility to the north of the existing junction fails to achieve the required standards, and the proposal will result in intensification of use of this junction that will lead to increased road safety concern, resulting from the insufficient visibility. The proposal therefore fails to comply with part j) of Policy 3: Sustainable Design, Part 1 of the Cairngorm National Park Plan 2015.

Stephen Archer
Director of Infrastructure Services

Author of Report: Stephanie McMillan
Report Date: 27 April 2018