

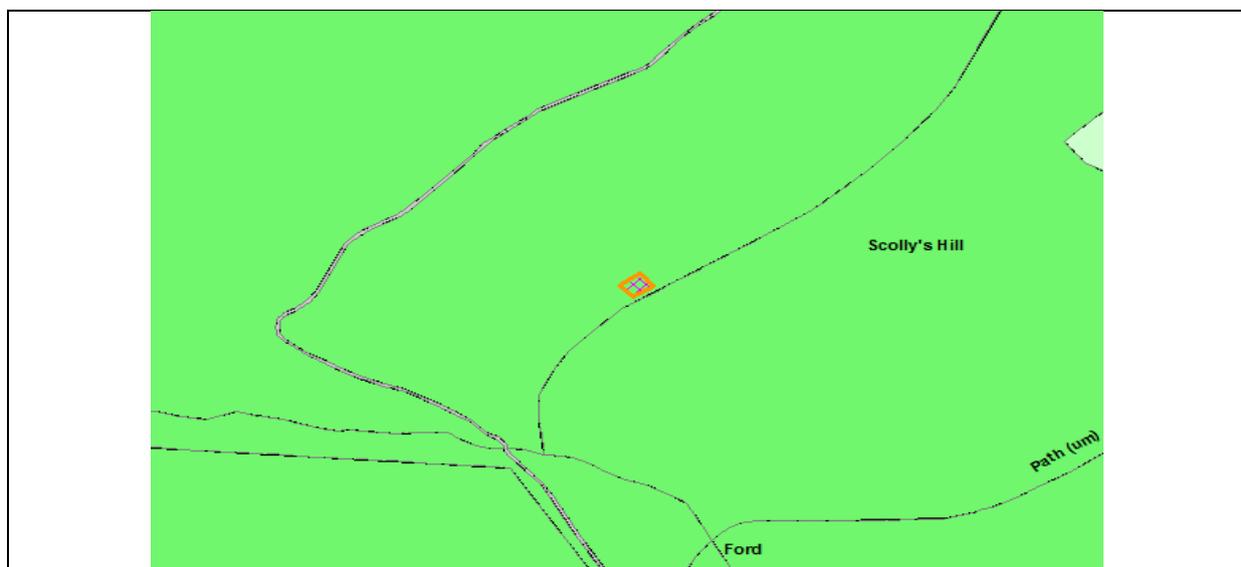
## Marr Area Committee Report 02 October 2018

Reference No: APP/2018/1755

### Full Planning Permission For Erection of Cabin (Sui Generis - to Provide Tourist Accommodation) at Land Near Scolly's Hill, Glen Dye Estate, Banchory

**Applicant:** Glen Dye Estate, Estate Office, Bridge of Dye Steading, Strachan, Banchory, AB31 6LT  
**Agent:** No Agent

Grid Ref: E:364322 N:786805  
Ward No. and Name: W16 - Banchory And Mid-Deeside  
Application Type: Full Planning Permission  
Representations: 0  
Consultations: 2  
Relevant Proposals: Aberdeenshire Local Development Plan Map  
Designations: Rural Housing Market Area  
Complies with: No  
Development Plans:  
Main Recommendation: Grant With Conditions



#### 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.3.1c of Part 2C Planning Delegations of the Scheme of Governance as the application for development is a departure from the Development Plan and is recommended for approval.
- 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 The proposal seeks to erect a cabin for tourist accommodation on Glen Dye Estate. The application site is located approximately 580m from Glen Dye Lodge, and the cabin would be situated within an existing clearing within a wooded area on ground which slopes downwards from north to south. The cabin would measure approximately 8.1m by 5.4m, with a height of 4.1m from ground level at the rear, and a decking area at the front which would be on timber posts, resulting in the full height of the building being 5m at this point. The cabin would be constructed of timber and corrugated sheet metal sourced from within the estate. The proposal seeks to erect a low impact and environmentally friendly structure, with the intended tourist market being those who wish to explore the local area and utilise its features and outdoor pursuits, such as hillwalking at Clachnaben. The surrounding area is a mixture of woodland and open land.
- 2.2 The proposal also seeks the erection of a structure to house a composting toilet, log store and general storage area, and this would measure approximately 2m by 2m with a height of 3m, to be constructed of the same materials as the cabin. This would be located around 3m to northeast of the cabin.
- 2.3. An existing private water supply would be utilised for the cabin, and supporting information from I & E Smith Services has been submitted with the application which confirms the location of the existing water supply, its quality and quantity and provision recommendations for the supply to be used for the cabin.
- 2.4 There are no additional paths or parking proposed, with the existing car park around 520m to the east, adjacent to the B974 public road, to be used for parking provision for the cabin.
- 2.5 A business plan has been submitted with the application which outlines the proposal and its intention to be an 'off grid' holiday experience to encourage walkers to extend their stay in the area. Whilst the business plan explains that two cabins are proposed, only one is being considered as part of this application, no other cabin is proposed at this time. The business plan

explains the research the applicant has undertaken in forming the proposal, and also explains how local and existing resources on the estate would be used in the construction and operation of the accommodation.

- 2.6 Pre-application advice was sought in relation to this proposal to establish the principle of the development, its viability, the siting a location of the cabins and what information would be required with an application. Advice on the viability of the business proposal was sought from Infrastructure Services (Economic Development), who indicated that it appeared the proposed business was viable and they were generally supportive of promoting tourism in Aberdeenshire.

### 3. Representations

- 3.1 No valid letters of representation have been received.

### 4. Consultations

#### Internal

- 4.1 **Infrastructure Services (Environmental Health)** has no objection to the proposal. Should the application be granted planning consent, the applicant must register the private water supply serving the proposals with Environmental Health.
- 4.2 **Infrastructure Services (Roads Development)** consider that the proposal has no perceived impact on the public road network. This Service has no further comments to make.

### 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 Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

## 5.3 Aberdeenshire Local Development Plan 2017

Policy B3 Tourist facilities

Policy R2 Housing and employment development elsewhere in the countryside

Policy P1 Layout, siting and design

Policy E2 Landscape

Policy RD1 Providing suitable services

## 5.4 Other Material Considerations

None.

## 6. **Discussion**

6.1 The main issues to consider in the determination of this application are:

- the principle of the development;
- the landscape and visual impact;
- whether all technical issues have been addressed.

### Principle of development

6.2 Policy B3 Tourist facilities aims to support new tourist facilities or accommodation that are well related to settlements and deliver net economic and social benefits. The site is clearly not well related to any settlements, with the closest settlement being Finzean located approximately 5.5km to the north of the application site, and Strachan is 6km to the northeast. It is evident that the proposal is a small-scale rural tourism development, and by virtue of the site not being well related to a settlement, it is dependent on the private car. Therefore, the proposal does not meet the criteria for new tourist facilities or accommodation as set out in Policy B3 Tourist facilities.

- 6.3 Policy R2 Housing and employment development elsewhere in the countryside is also relevant. This policy states that proposals will be restricted in the countryside outwith the designated greenbelt and coastal zone to small-scale development that would: involve remediation of redundant brownfield land opportunities; be the replacement or refurbishment of an existing house or building, or; be appropriate to the greenbelt as defined in Policy R1 Special rural areas. The application site is an existing clearing within a wooded area and there are no existing structures or buildings on the site which would allow it to be considered a brownfield redevelopment opportunity. The proposal would also not comply with any of the criteria outlined in Policy R1 Special rural areas. As such, the proposal does not comply with Policy R2 Housing and employment development elsewhere in the countryside.
- 6.4 The proposal does not comply with either of the aforementioned principal policies which the principle of the development is assessed against. The site is not well related to a settlement, therefore it cannot comply with Policy B3 Tourist facilities, and there are no brownfield opportunities which the proposal could utilise. As such, the proposal also does not comply with Policy R2 Housing and employment development elsewhere in the countryside. It is considered that there are elements of Policy B3 Tourist facilities which are complied with; there would be an economic benefit as a result of the proposal through providing a diverse tourist accommodation offering to bring visitors into the area, who in turn would hopefully visit nearby attractions and spend money in local amenities. A small cabin such as this is not a type of accommodation currently offered in the area. The accommodation would be provided within the immediate vicinity of the tourist attraction, and it is considered that it would provide a direct economic benefit specifically for the area. It is not considered that the proposal would cause a significant cumulative impact on surrounding enterprises, but would offer further choice of accommodation in the area. The accommodation is proposed to be low impact and essentially 'off-grid', which minimises its scale and subsequent landscape impact, whilst offering a different experience for users to the more traditional and obvious accommodations in the wider area.
- 6.5 Some sympathy is had, for proposals of this nature, given the restrictions imposed within Policy B3 Tourist facilities for rural tourist offerings to be well related to settlements. It is accepted that Aberdeenshire is a rural authority, has attractive countryside, and a multitude of rural pursuits, such as walking, cycling, golf, fishing, castle visits, and whisky trails, that visitors may wish to explore. On balance, and notwithstanding what is contained within Policy B3, it seems logical to locate small scale accommodation offerings in the rural locale, near these rural pursuits that they wish to exploit. This proposal seeks to encourage those who are walking the nearby Clachnaban to stay in the area, and wish to offer a different type of holiday experience. Although the principle of development cannot be supported by the relevant policies, this development is promoting small-scale tourist accommodation that is considered to be located appropriately for proposed intention of the cabin. In this instance, and based on the economic merits of the proposal and lack of any impact in terms of siting or design, the Planning Service are minded to support the application as a departure from the Policy B3 Tourist facilities and

Policy R2 Housing and employment development elsewhere in the countryside.

#### Layout, siting and design

- 6.6 Policy P1 Layout, siting and design supports new development where it does not have a significant adverse impact on the character or amenity of the surrounding area, and Policy E2 Landscape seeks to ensure new development does not have a detrimental impact on the qualities of the existing landscape. The proposed cabin would be constructed of natural timber, and corrugated sheet metal for the roof, and is of a simple form. A small ancillary building would also be of the same finish as the proposed cabin. The location, on the slope in amongst trees, would assist in screening the development from the wider area, and the overall scale would not cause the proposal to be overly prominent. The location is set within an existing clearing and therefore no trees are required to be removed for the proposal. Overall, the siting is considered appropriate and would integrate well with the natural setting without having a significant adverse visual impact on the landscape. Therefore, the proposal accords with Policy P1 Layout, siting and design and Policy E2 Landscape.

#### Servicing

- 6.7 The proposal seeks to be as low impact as possible, and therefore a composting toilet is proposed to be erected adjacent to the cabin. The proposal would also utilise an existing private water supply, details of which have been supplied. Infrastructure Services (Environmental Health) has been consulted on the application and have no objection to the proposal.
- 6.8 There is no parking proposed directly at the cabin due to its location on the hillside. It is the intention that the cabin would be utilised by hillwalkers who are visiting the area, and to reach this area, reliance is already on the private car. As hillwalkers would be the primary users, the existing car park adjacent to the B974 public road would already be in use by them and as such, it is not considered that the proposal would have a detrimental impact on the existing road network. Infrastructure Services (Roads Development) has no objection to the proposal and as such, the proposal complies with Policy RD1 Providing suitable services. This approach to remote parking emphasises the low key nature of the cabin – it is for quite a niche user group, with specific focus on hillwalkers who will walk to the cabin itself.

#### Conclusion

- 6.9 Overall, although the proposed development is not well related to any settlement as required by Policy B3 Tourist facilities, and there are no brownfield redevelopment opportunities to conform with Policy R2 Housing and employment development elsewhere in the countryside, the proposal is promoting a small scale development that acts as a new tourist accommodation destination in the countryside, which does not have a significant impact on amenity, the landscape or natural environment. The

Planning Service is satisfied that the development can be supported as a departure from Policy B3: Tourist facilities and Policy R2 Housing and business development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017 on the basis of the unique circumstances that this development is promoting small scale tourist accommodation which is specifically for those in the immediate vicinity of the tourist attraction which is being exploited (hillwalking trails), offering a unique and diverse type of tourist accommodation, which could contribute towards the local economy.

## **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 proposal does not have a differential impact on any of the 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**

Policy B3 Tourist facilities

Policy R2 Housing and business development elsewhere in the countryside

- 10.3 The application is a Departure from the valid Local Development Plan and has been advertised as such. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.

- 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 GRANT Full Planning Permission subject to the following conditions:-**

1. The cabin hereby approved shall be used solely as temporary letting accommodation and for no other purposes whatsoever, including use as permanent residential unit, without the prior express grant of planning permission by the planning authority. The cabin shall not be occupied as a person's sole or main residence, or continuously for over 2 weeks by the same person(s), and the owner of the holiday cabin shall maintain an up-to-date register of the name of each occupier of the holiday accommodation on the site, their length of stay and their main home address and shall make this information available at all reasonable times to the planning authority.

Reason: The occupation of the holiday cabin as permanent residential units would not comply with the Council's Local Development Plan policies regarding residential development in this area.

2. Planning permission is hereby granted for a temporary period only and shall cease to have effect 5 years from the date of this consent. Prior to the cessation date, the application site shall be cleared of all works and development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992) and reinstated in accordance with an agreed restoration scheme, which shall be submitted to and approved in writing by the planning authority prior to the commencement of development.

Reason: To enable the impact of the temporary nature of development on the amenity of the surrounding area to be reviewed and to ensure the appropriate restoration of the site.

### **11.2 Reasons for Decision**

The proposed cabin, for short term letting accommodation, can be supported as a departure from Policy B3: Tourist facilities and Policy R2 Housing and business development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017, on the basis of the unique small scale tourist

accommodation specifically aimed towards those utilising the immediate area for their recreational activities, and it is considered that the location is therefore appropriate in this instance. The proposal would contribute to the wider social and economic benefits of the area through enhanced tourist accommodation offerings and support for local services in this area, and the proposal is acceptable in all other matters in relation to access, servicing, design and landscape impacts.

**Stephen Archer**  
**Director of Infrastructure Services**

Author of Report: Jenny Ash  
Report Date: 14 September 2018