
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: MARY GRIER, PLANNING OFFICER
(DEVELOPMENT MANAGEMENT)

DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR THE ERECTION OF A DETACHED GARAGE, MENAGE, TWO HORSE SHELTERS, A FEED STORE AND CHANGE OF USE FROM AGRICULTURAL LAND TO HORSE GRAZING ON LAND AT NEWTON, GLENBUCHAT, STRATHDON.

REFERENCE: 08/222/CP

APPLICANT: MR. & MRS. M. NEWMAN C/O GORDON GAULD MCIAT, ARCHITECTURAL SERVICES.

DATE CALLED-IN: 27 JUNE 2008

RECOMMENDATION : APPROVE SUBJECT TO CONDITIONS

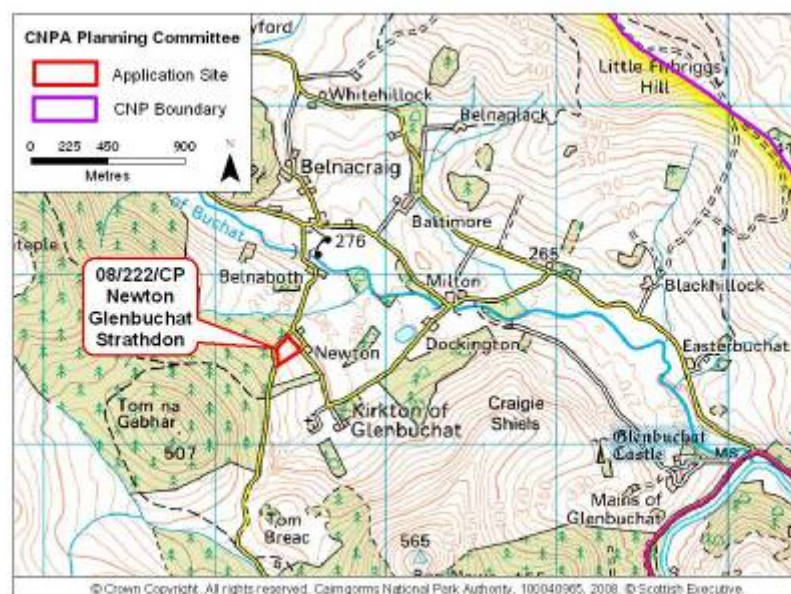


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Full planning permission is being sought retrospectively in this application for the erection of a detached garage, ménage and two horse shelters, a feed store and also a change of use from agricultural land to horse grazing. The application description also originally included the erection of 4 no. 5 metre high floodlights. However, this since been omitted from the proposal. The site is located in Glenbuchat in the east of the National Park on land which occupies an elevated position. The site is accessible from either the south or east via a minor road network, which is little more than single width in many parts.¹
2. The subject site extends to approximately 4.5 acres and the land rises from the north east to the south west. The applicants' dwelling house, which is known as 'Newton,' is located adjacent to the south eastern boundary of the site. Other residential properties also exist in relatively close proximity to the north east, the closest of which is approximately 5 metres from the site boundary.
3. The detached garage for which permission is sought is located on the lower ground in the northern corner of the subject site, within approximately 4 metres of the roadside boundary. The garage is a flat roofed four bay structure, with an exterior finish of vertical timber linings (stained brown), under a fibreglass roof. The four vehicular entrance doors in the front elevation are steel roller doors in a dark brown finish. The structure has a floor area of approximately 58 square metres.² A large gravel surfaced car parking area has been formed in front of the garage. Vehicular access to this area is taken from a new double gated entrance which has been created off the public road.

¹ The site can be accessed from the south on a minor road off the A944 near Newe (approaching from the direction of Strathdon) and can also be accessed from the east, off the A97 near Glenbuchat Castle.

² 10.5m x 5.5m x 2.8m Length x depth x height.



Fig. 2 : Garage and entrance in the northern area of the site

4. The horse ménage has been developed on land immediately adjacent to the garage. This exercise area measures approximately 33 metres x 18 metres. The ménage is bounded by timber post and rail fencing. A raised path in the form of a grassed earthen mound has also been created adjacent to the eastern boundary of the ménage. The first of the two horse shelters for which permission is being sought is located in the yard to the east of the ménage. Construction materials are similar to those used on the garage and the structure has a floor area of 31.5 square metres (3.5m x 9m). The front elevation has three door openings, providing access into three separate areas – the tack room and two stables. The second horse shelter is in a more exposed and elevated location on higher ground in the horse grazing field in the south western area of the site. Materials are similar to the previously detailed structures, although the roofing material in this instance is black felt. The structure is comprised of just one open stable, and has a floor area of approximately 22.75 square metres (6.5m x 3.5m). There are two openings, one of which is in the form of a stable door, while the second wider opening is a steel gate. The applicant has clarified that neither of the horse shelters have a foundation and they are essentially moveable structures.



Fig. 3 : View towards the ménage and horse shelter



Fig. 4 : Horse shelter no. 2

5. The feed store which is located on the south eastern boundary of the site close to the ménage has the same external finishes as the stables and garage, although the timber cladding is stained green, instead of the brown stain that is evident on the other structures. The feed store has a floor area of approximately 15 square metres (6m x 2.5m) and is accessed by a single entrance door. As detailed earlier another aspect of the development proposal originally was for the erection of 4 floodlights, where a flood light has been positioned at each corner of the ménage. Each of the floodlights extended to 5 metres in height and the drawings provided indicated that the lights were 500 watt. The floodlighting has however been recently omitted from the proposal. The final aspect of the proposed development, as detailed in the application description, is the change of use of the land from agricultural to horse grazing.

Supporting information

6. Further to a number of queries being raised by the CNPA during the assessment of this application, a letter was received from the applicants agent in July 2008 addressing the points raised. It has been clarified that the equestrian facilities are for personal use only and that the two horse shelters are moveable structures, which do not have foundations. Various queries were raised in relation to the garage, including investigating whether or not it is being utilised for any commercial purposes (particularly due to the presence of London buses on the site when first visited and also transportation signage in the form of a London underground sign, on the garage), and the background to the need for the structure. The response on behalf of the applicants indicated that the garage is also for personal use and is required for the "storage of vehicles / trailers / equipment associated with the farm / equestrian use of the land." In terms of the London buses and the transportation signage, the response indicates that commercial activity is not being undertaken at the site. Mr. Newman, the applicant, also provided a verbal explanation for the presence of the buses on site, indicating that they are used as mobile art galleries at a variety of locations, all remote from the site and that the buses are also used for charity work, where groups are taken on day trips in the vehicles.³ The applicant verbally agreed in July 2008 to relocate the buses and stated that he was in the process of finding a suitable site. An undertaking was also given at that time to remove the floodlights from the site. This intention was re-iterated in a further letter from the agent which was received on 29th September 2008. In addition, an offer was also made in that letter to relocate horse shelter no. 2 to an alternative location in the field if necessary.

Up to date situation

7. Following the assurances which had been provided by the applicant and his agent regarding the removal of the floodlights and the repositioning of the most prominently sited stable block, I visited the site on 3 October. I found that the floodlights have recently been removed and the area in which they were installed has been restored to its natural state. The applicants also confirmed at that meeting on the site that they are amenable to relocating the horse shelter from its elevated position in the field area, to a less prominent location on lower ground in the vicinity of the other existing horse shelter. They also indicated that they would be prepared to paint the two horse

³ In a letter from the applicants agent (received by the CNPA on 29th September 2008), in addition to stating that the buses have been removed from the area, it is also pointed out that "this enterprise displays art from residents working and living in the Cairngorm National Park; it also donates all the proceeds to charities within the Park area and provides employment to local people."

shelters and the garage in a green stain, similar to the existing feed store, in an effort to further minimise any potential visual impact.

8. Mr. and Mrs. Newman, the applicants, also confirmed the London buses, which were evident on the site in my earlier site visit, and which reference is made to in a number of letters of representation, have now been permanently relocated off the site. All art exhibition work and charity work for which the buses are used is carried out on a mobile basis away from the site at Newton.

DEVELOPMENT PLAN CONTEXT

National Policy

9. **NPPG 14** on 'Natural Heritage' highlights the fact that natural heritage embraces the combination and interrelationship of landform, habitat, wildlife and landscape and their capacity to provide enjoyment and inspiration. Paragraph 15 of **NPPG 14** emphasises that the varied landscapes of Scotland are "an essential and much valued component of our natural heritage". The scale, siting and design of new development is required to take full account of the character of the landscape, as well as the potential impact on the local environment.
10. In a section entitled 'the wider natural heritage' **NPPG 14** makes it clear that natural heritage is not confined to designated areas and encourages planning authorities to safeguard and enhance the wider natural heritage beyond the confines of designated areas. Several features are listed as being of value in the development of habitat networks. The features include areas of woodland, rivers and burns, as well as lochs and ponds.

North East Scotland Together - Aberdeen and Aberdeenshire Structure Plan 2001 - 2016

11. The Aberdeen and Aberdeenshire Structure Plan (NEST) discusses wildlife, landscape and land resources in a section entitled 'Looking After the North East.' The structure plan seeks to promote, protect and enhance the rich and varied environment of the North East. The Plan aims to foster the natural and built heritage as a whole and recognises that this means taking into consideration landscapes and the biodiversity of habitats and species outwith designated areas. **Policy 19** of the Structure Plan relates to 'Wildlife, Landscape and Land Resources' and includes policies in relation to development within international, national

and regional / local designations. Policy is also included in relation to development 'everywhere else' and it is stated that "development will be sited and designed to avoid adverse impacts on the biodiversity of a site, including its environmental quality, ecological status and viability. All new development should take into consideration the character of the landscape in terms of scale, siting, form and design. Developers are encouraged to seek sites which would not entail the permanent loss of productive agricultural land."

Aberdeenshire Local Plan 2006

12. Chapter 3 of the **Aberdeenshire Local Plan** (2006) discusses Environmental Policies. Some of the main environmental issues affecting Aberdeenshire include "the proper protection, enhancement and sustainable management of the natural and historic environment," as well as the loss of habitats and species and the need to protect and enhance biodiversity.

13. The subject site lies within an Area of Landscape Significance (Marr Area). **Policy Env\5B** states that development within or adjacent to an Area of Landscape Significance will not be permitted where its scale, location or design will detract from the quality or character of the landscape, either in part or as a whole. The policy also confirms that "within the Cairngorms National Park greater weight will be given to the conservation and enhancement of the natural and cultural heritage of the area if the Park's aims are in conflict." Areas of Landscape Significance have been identified due to the importance of their physical landforms and for the flora and fauna which they support, as well as for the environmental assets which they represent.

Cairngorms National Park Plan 2007

14. The Park Plan sets out a number of strategic objectives that are intended to provide a long term framework for managing the National Park and working towards a 25 year vision. The strategic objectives are detailed under the three broad headings of conserving and enhancing the Park; living and working in the Park; and enjoying and understanding the Park. Of particular relevance to the current development proposal are the Strategic Objectives for 'Landscape, Built and Historic Environment,' which include maintaining and enhancing the distinctive landscapes of the Park, and ensuring development complements and enhances the landscape character of the Park. The Park Plan advises in particular that the potential impacts of man made artefacts will be assessed to ensure that designs and locations do not detract from the landscape character.

CONSULTATIONS

15. An initial response from the Roads section of **Aberdeenshire Council** noted that the parking and turning area on the subject site is adequate. However, the visibility from the entrance which has recently been created was described as insufficient. It was noted that visibility to the left is obstructed by trees and a fence and is also obstructed by a fence to the right. As a result the applicant was requested to provide amended drawings showing how the required visibility could be achieved. Following the receipt of the amended drawings indicating the proposed removal of trees on the roadside boundary and the associated setting back of the fence, the roads section of Aberdeenshire Council now consider that the measures are acceptable.
16. Some concern was expressed in the response from the **Environmental Health** Officer at Aberdeenshire Council with regard to the originally proposed floodlighting. It was noted that the development site lies in close proximity to neighbouring properties and is also situated on a hillside overlooking Glenbuchat valley. Despite this concern it was conceded that Environmental Health has no statutory powers in controlling light pollution. In conclusion the report recommended that the flood lighting system be controlled to prevent direct illumination of neighbouring land and it also recommended in the event of consideration being given to the granting of planning permission that a condition is attached restricting the hours of use of floodlighting in order to preserve the amenity of neighbouring properties.
17. **Donside Community Council** considered the proposal and stated that they had no adverse comment to make on the development.
18. The CNPA's **Heritage and Land Management** group have assessed the proposal and the landscape officer has commented that the floodlighting which was originally part of the application was unacceptable in this location due to light pollution issues. The landscape officer also recommends in the event of the granting of planning permission being considered for the remainder of the structures that a condition is included requiring adequate planting to be undertaken, as he notes that there is a need for amelioration of the buildings through planting.

REPRESENTATIONS⁴

19. Several representations have been received in connection with this planning application. Ms. Annie Bullock of Glenbuchat has written on two occasions to express concerns. She is concerned about the accuracy of detail shown on the submitted drawings and it is suggested that the car parking spaces shown outside the garage have been underestimated. Also in connection with the garage and associated vehicular parking in this location, the author refers to the views from the back of the nearby residential properties now being severely restricted where the view in the past was "up over a grass bank to the forestry of Delfrankie." The floodlighting on the site is described as causing considerable light pollution with the glow from them being visible as far afield as Easterbuchat. Ms. Bullock also comments that the flood lights are left on "well into the dark winter nights." Reference is also made to red London double decker buses parked on the site and also the presence of a red telephone box, which has apparently been recently erected. A second letter of representation from Ms. Bullock primarily discusses the floodlighting, referring to the lights "glowing away between 2400 and 0200 during August."

20. Mrs. Monica Gordon of Croft of Torrancroy, Strathdon states at the outset of her first letter of representation that she has for some time been concerned about the extensive developments that have been taking place at this location. Various issues of concern are raised under a number of subheadings. In terms of the siting of the development, reference is made to the close proximity of some of the development (the garage in particular) to an adjacent steading which has recently been converted to residential use and it is commented that the property previously enjoyed privacy and superior views. There is also concern about the type of nuisance factor that would be likely to derive from this garage type development. The second issue addressed is access, where it is noted that the access exits onto a narrow, single track road, adjacent to a 'tight junction.' The letter of representation goes on to discuss light pollution and the flood lights were described as often being in use, causing unnecessary light pollution and being visible from some distance. It is also suggested that they may be a hazard to road users.

21. The letter from Mrs. Gordon also refers to health and safety issues, and concern is expressed about the proximity of the

⁴ All of the letters of representation were received prior to the removal of the floodlighting from the sites and the relocation of the double decker buses off the site.

development to the water supply of Eastburn steading and it is suggested in the event of a fuel spillage or casual surface run-off that it could cause contamination of the supply. Also under the heading of health and safety reference is made to the presence of double decker London buses on the site, where they are described as unsightly and parked in a manner which dominates the setting of Eastburn. The final topic addressed in the letter is the location of the development site within the Cairngorms National Park. The author accepts that change happens but considers that there is a strong duty on all to ensure that such change is appropriate and she does not consider that the development at Newton constitutes an appropriate change.

22. In a second letter of representation from Mrs. Gordon a number of points are raised and queries made. The term 'detached garage' as detailed in the description is queried with the author noting that the structure is a "row of three garages." She also queries why there is no mention in the application of two double decker buses on the site. Finally it is suggested that the retrospective application is in 'direct contravention' of the first aim of the National Park and it is also suggested that the planning committee should visit the site.
23. Two representations have been received from Steve Cameron of Altnacruichan, Glenbuchat. It is stated in the first of the representations that he had no objection in principle to the building of the garage and the horse shed, but has serious concerns about the installation of the floodlights. Mr. Cameron states that details on the drawings indicating that light levels would be contained within the horse riding area are misleading and he suggests that the floodlights will be easily seen by all residents on the north side of Glenbuchat. He hopes that consultations will take into account the light levels and also the effect on nocturnal nightlife. It is also suggested that the proposal should be considered with the aims of the National Park in mind. At the conclusion of his first submission Mr. Cameron objects to the idea of retrospective planning permission describing it as making a "mockery of the whole idea of having a planning system."
24. In the second submission from Mr. Cameron reference is made to the neighbour notification procedure, where he points out that it is misleading to say that all affected parties have been notified and suggests that the floodlights will affect many residents of Glenbuchat and not only those in the immediate vicinity. It is also suggested that details on the application are misleading in indicating that only one car per day would be using the

entrance to the garage and it is pointed out that the garage and parking area is being used by vehicles associated with 'redbusart.com' as well as for private vehicles. Reference is also made to a double decker red London bus being parked there and the author queries "can we be assured that this will not be the case in the future?"

25. E-mail representations from Mr. William Johnstone of Smiddyford Cottage, Glenbuchat highlights the existence of red London buses on the site, and also a bus sign on the garage. It is commented that the proposal shows little consideration for the wildlife and the beauty of the National Park. Mr. Johnstone also comments that since the erection of the floodlights he has not seen Scottish wildcats which were previously 'just above that area.'
26. Mrs. Ruth E. King of Braehead Cottage, Glenbuchat has written to register her concern about the developments that have been undertaken, stating that the visual impact of outbuildings, stables and two London buses has been enormous. The floodlighting is described as providing lighting on an industrial scale, which has a detrimental effect on neighbouring properties.
27. In a letter of representation from Ms. Isobel Gilchrist and Mr. Paul Johnstone of Broombrae, Glenbuchat, reference is made to the beautiful views of traditional farmland and houses being spoilt by the development, which they describe as incongruous and very visible and appearing to be ongoing and including the siting of two London buses. Concern is expressed for Rosebay Croft which they consider now has no privacy and a variety of vehicles in view. In terms of the floodlighting it is stated "when this is used to full capacity the heather was lit up on the hill 1½ miles distant and the dark sky polluted." In conclusion the authors recommend deferring a decision until a site visit is made.
28. In a letter from Mr. Paul Mogford of Rosebay Croft, Glenbuchat, concern is expressed regarding the development under a number of headings. The first topic discussed is highways and it is noted that the entrance to serve the car parking area and garage complex was created by breaking into the field boundary adjacent to a single track road. There is concern about visibility, particularly when vehicles (including a London bus) are reversed onto the road. It is also suggested that the floodlighting at the ménage would create a similar hazard. The author is concerned, given the size of the car parking area, that it could end up being a "permanent commercial venture with even greater noise, traffic, light pollution and danger to others."

A further section of the letter specifically addresses the issue of lighting, suggesting that light pollution resulting from floodlights etc. should be seen as inappropriate in an environmentally sensitive area of natural beauty and within a National Park. It is also suggested that the lighting is insensitive to wildlife.

29. Detailed comment is made on the buildings, where it is firstly queried if the two horse shelters are permanent or moveable fixtures. Concern is also expressed about large sheds built close to the boundary with the authors property and also a raised walkway with lighting, which runs adjacent to the boundary between his property and the ménage. The walkway is described as being inappropriately sited and affects the privacy of the author as well as causing further potential light pollution.
30. Many additional concerns are detailed, including impact of development on the author's property in particular. Issues raised include a lack of privacy due to increased noise and traffic, light pollution and overlooking by people using either the car park, sand school or walkway; and concerns regarding potential damage to the author's property due to increased road usage by inappropriate vehicles. Finally it is suggested that there is a more suitable alternative siting for the development, with potential to locate garaging on flatter ground closer to the applicants residential property and also potential to locate any required entrance at an already existing entrance in the field. An alternative location is also suggested for the sand school.
31. Sir Graeme Catto of Maryfield, Glenbuchat has written to state that he is "an owner and resident of a property on the other side of the Buchat, facing Newton" and is affected by the application. He objects to the change of use from agricultural land to horse grazing. He also states that the buildings are part of what was until recently a small residential property, which is now the subject of a substantial extension. Sir Catto suggests that the erection of a detached garage and riding facilities represent a substantial development in this corner of the glen and suggests that the CNPA must decide if the site is now overdeveloped. The final point raised in the letter of objection is in relation to the floodlights which the author states have affected the amenity of the glen and he also comments that "lights on virtually round the clock in the long peaceful dark nights pollute the atmosphere and are wasteful."
32. Floodlighting is also the main point of objection in a letter from Mr. David Hendry of Belnaglack, Glenbuchat, in which reference is made to "the incredible amount of light which this house

produces." The floodlights are described as 'massively strong' and come on at all hours and ruin the atmosphere of the glen. Comment is also made that all the other buildings, as well as two London buses, do not fit in with the surroundings.

33. In a letter of objection from Ms. Sheena Scrafton of Belnaboth, Glenbuchat, the floodlighting is again the main concern. It is stated that the floodlights dazzle drivers and she describes them as a hazard. Ms. Scrafton also suggests that the brightness of the floodlights must impact on nocturnal wildlife and reference is made in particular to owls and moths. Reference is also made to the two London buses, although the author recognises that they are not part of the current planning application. She suggests that the issue of the buses, as well as an unused red phone box and a London bus stop sign in the grounds of Newton should also be addressed, describing them as totally incongruous to the glen and spoiling the natural beauty for which Glenbuchat is known.
34. Ms. Jane Jones of Beltimb, Glenbuchat has written to ask if the CNPA are able to "do anything about the recently installed floodlights." She describes the lights coming on at unnecessary times and questions the need for such lights in a country area.
35. Mrs. Jane Barclay Roncoroni of Belnaboth, Glenbuchat states in her letter that she does not object to the erection of a ménage, but wishes to object to the erection of four floodlights which she considers to be totally unnecessary and a blight on the beauty of the glen. Reference is also made to the London buses on the site and the author of the letter suggests that planning permission should be refused for the parking of these vehicles as they constitute part of a business venture. The letter of representation also refers to Glenbuchat being an outstanding area of natural beauty and concludes that "what is going on at Newton is completely out of character."
36. Ms. Joan Johnson of Ballindore, Glenbuchat has written to raise concerns regarding the development proposal. She states that she is the closest neighbour to the property. She describes the use of high powered floodlights as being contrary to the local environment which has no street lighting and is in a densely rural area. There is concern that wildlife could be adversely affected by invasive light pollution. Ms. Johnson also points out that horse ménages generally do not need floodlighting as horses are usually schooled during daylight hours. Concern is also raised in relation to the new buildings and the car parking area on the site which the author states have resulted in an increase of vehicles. At the conclusion of the letter the author states that it is in

everyone's interest to maintain the policies and intentions of the Cairngorms National Park to enhance natural and cultural heritage of the area.

APPRAISAL

37. The main factors to take into account in assessing this application include the nature of the development proposal, planning policy applicable to the development, traffic considerations, landscape impact and the impact of the development on the general amenity of the area.
38. In terms of the nature of the development proposal, although retrospective, it is essentially for a horse ménage and collection of structures which are limited in scale and are utilised in connection with activities on the landholding, and in the case of the garage is also associated with the domestic activities of the applicants' adjacent residential property. The horse ménage, the two stable blocks and the feed store and the use of the land for horse grazing are all utilised in connection with the keeping and schooling of the applicants' horses, none of which is done on a commercial basis. The use of the land for horse grazing and the structures which are required in connection with the keeping of the applicants' horses is in my view appropriate to the rural area and the principle of development of this nature does not offend the planning policies of either the Structure Plan or Local Plan. Similarly the principle of a garage, which is utilised for the storage of equipment and vehicles owned by the applicants, is not contrary to planning policy and can essentially be considered domestic in nature, despite being of a size and design which has the potential to accommodate up to four vehicles.
39. The subject site is on land which is within the Marr Area of Landscape Significance and as detailed in paragraph 13 of this report, developments within this area will only be permitted where their scale, design and location will not detract from the quality or character of the landscape. The buildings for which planning permission is being sought are limited in scale, all being low single storey flat roofed structures. Three of the four structures (the first horse shelter, the feed store and the garage) as well as the ménage are all contained within a relatively limited area on the lower level of the site. The horse shelter and feed store have the benefit of screening from existing mature deciduous trees adjacent to the feed store and along part of the boundary of the applicants' residential property. The garage which is adjacent to the public road on the northern boundary of the site

is a little more exposed, although it too currently has the benefit of some screening from a line of existing mature trees. The applicants have also recently undertaken additional planting to the rear of the garage. Despite having a higher degree of visibility than the horse shelter and feed store, primarily due to its roadside location, I do not consider that the existence of a building of this limited scale in this position could not be considered to detract from the quality or character of the landscape. The garage structure is located in the vicinity of other roadside structures, including a steading on adjacent land which has been converted to residential use and also another dwelling. Consequently I have formed the view that the garage, as well as the feed store and the first of the two horse shelters do not detract from the character of the landscape. The visual impact when viewed from close proximity is limited and could be further minimised by the undertaking of appropriate landscaping. When viewed from a distance, for example from lands above the site to the west or from lower ground across the glen to the east, the structures detailed appear as part of the overall cluster of development (which includes the applicants property as well as a number of other residential properties) in this area. In addition, the applicants have also agreed to stain the stable block and the garage in a green colour similar to that of the feed store, which would be more effective in blending the structures further into the landscape than the current tan / brown stain.

40. The two aspects of the application, as it was originally proposed, which would have the potential to detract from the quality and character of the landscape, are in my view the floodlights and the second horse shelter which is positioned in an exposed and elevated location. The floodlighting, as detailed in paragraph 7 of this report, has recently been removed from the site and no longer forms part of the development proposal. I consider this to be a significant gesture on the part of the applicants to address the concerns that have been raised both by the CNPA in the course of assessing this application and also by numerous objectors. The other aspect of the proposal which I remain concerned about is the existing position of the horse shelter. The structure has a significant degree of exposure, and is visible from much of the surrounding area. Furthermore, although the positioning of that horse shelter currently has the benefit of a forested backdrop, the forest lands are not within the ownership or control of the applicants and like many of the forests in the Glenbuchat / Newe area will potentially be felled at some stage in the future, thereby leading to increased exposure of the horse shelter. My concerns regarding the negative impact of the horse

shelter have been discussed with the applicants, who have agreed, if considered necessary by the CNPA, to reposition the structure to the lower levels of the site, in the vicinity of the larger horse shelter. The repositioning of the structure could be easily achieved and the location identified would assist in it also becoming part of the aforementioned group of buildings on the lower level of the site. In conjunction with any repositioning, the structure would also receive the same colour treatment as the rest of the structures i.e. a green stain.

41. The response from the Roads department of Aberdeenshire Council have been discussed in paragraph 15 of the report and Members will note that some concern was expressed regarding the achievement of adequate visibility at the new entrance which has been created in the north eastern area of the site. Measures to achieve this were demonstrated on various site layout plans, including proposals to trim the branches from the mature trees on the north western side of the entrance. However, despite the very minor nature of the road and the fact that other properties in the immediate vicinity currently experience more limited visibility at their entrances, the Roads department required a visibility splay of 2.4 metres x 90 metres to be achieved in connection with this application. The only solution to achieve this was presented in the final site layout plan prepared by the applicants agent, in which the removal of five mature trees on the roadside boundary was proposed. Figure 5 below shows the level of visibility available at present and also shows how significant a feature the trees are along this roadside boundary at present. It is necessary to make a judgement call on whether or not the achievement of a visibility splay of 2.4 metres x 90 metres is necessary in the interests of traffic safety in this particular location on the minor public road, with the consequent loss of the trees and the associated negative visual and natural heritage impacts arising from the loss of this significant landscape feature along the roadside boundary or whether a compromise position would be more appropriate. The compromise position would involve the retention of the existing trees and the consequent need to accept a reduced visibility splay. The current situation could be slightly improved upon by the cutting back of some of the lower branches of the roadside trees. Having regard to the existing nature of the road network in the area which is winding and narrow and thereby naturally limits vehicle speeds,⁵ the limited extent of traffic likely to utilise this entrance which only serves the new garage on the site, and the visual and natural heritage benefits of retaining the trees, it is my

⁵ The Roads report estimates speeds to be 30 mph.

view that the acceptance of a slightly reduced visibility splay is the most appropriate option.



Fig. 5 : existing visibility

42. In conclusion, the overall proposal is one which is essentially compatible with the rural area and I find that it is generally acceptable, subject to a number of measures outlined in earlier sections of this report including the repositioning of one of the stable blocks to a less elevated area of the site, the use of a green stain on the garage and stable structures and also the undertaking of landscaping at key locations on the site.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

43. The extent of development proposed would not hinder the achievement of this aim, particularly as the floodlighting has been omitted from the proposals.

Promote Sustainable Use of Natural Resources

44. The origin of the materials which have been used in the construction of the structures on the site is not known and it is not therefore possible to assess whether or not the development is consistent with this aim.

Promote Understanding and Enjoyment of the Area

45. The development, which is for private use, would not directly promote the understanding and enjoyment of the area by the general public. However, given the nature of the development (and having regard to the fact that the obtrusive floodlights are no longer in place and that measures have been implemented to reposition the structures in less obtrusive locations) it would not particularly detract from the general public's enjoyment and understanding of the area.

Promote Sustainable Economic and Social Development of the Area

46. The development would not make any particular contribution to this aim.

RECOMMENDATION

That Members of the Committee support a recommendation to:
Grant full planning permission for the erection of a detached garage, ménage, two horse shelters, a feed store and a change of use from agricultural land to horse grazing on land at Newton, Glenbuchat, Strathdon, subject to the following conditions :

1. For the avoidance of doubt this planning permission refers only to the erection of a detached garage, ménage, two horse shelters, a feed store and the change of use from agricultural land to horse grazing.
2. The equestrian facilities at the site shall be limited to personal use only and shall not be used for any commercial purposes.
3. The parking or storage of commercial vehicles shall not be permitted on the site at any time, unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority.
4. Within two months of the granting of this planning permission, horse shelter no. 2 shall be relocated to an area of lower ground in the vicinity of horse shelter no. 1. The exact location shall be agreed in writing with the Cairngorms National Park Authority acting as Planning Authority prior to the relocation of the structure.
5. Within two months of the granting of this planning permission, the two horse shelters and the garage shall be stained in a green colour, similar to that of the feed store.

6. Within two months of the granting of this planning permission a detailed landscaping plan shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority. The landscaping plan shall include proposals for planting along the north eastern boundary of the site, as well as planting to the rear of the garage, ménage and horse shelter(s). The landscaping plan shall be implemented and maintained in accordance with the approved plan. The plan shall include details of the siting, numbers, species (which shall be appropriate to the proposed setting) and heights (at the time of planting) of all trees, shrubs and hedges to be planted and shall ensure:-
 - (i) 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; and
 - (ii) 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 three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

7. Within two months of the granting of this planning permission lower lying branches of the trees on the northern boundary of the site shall be removed in order to improve visibility at the entrance, in consultation with the Cairngorms National Park Authority acting as Planning Authority.

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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.

