
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: NEIL STEWART, PLANNING OFFICER (DEVELOPMENT MANAGEMENT)

DEVELOPMENT PROPOSED: OUTLINE PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE AND CONSTRUCTION OF ACCESS ROAD, PLOT TO WEST OF CNOC NAN CRUACH, CATLODGE, NEWTONMORE

REFERENCE: 06/134/CP

APPLICANT: MR. & MRS. S. MILLER, GARDEN COTTAGE, CLUNY ESTATE, LAGGAN

DATE CALLED-IN: 5 MAY 2006

RECOMMENDATION: REFUSE

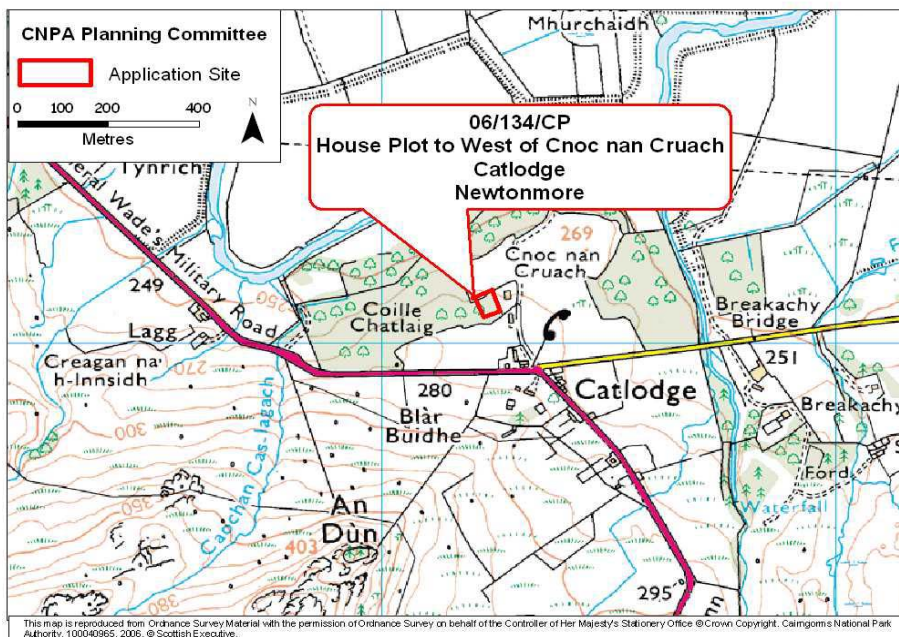


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Catlodge is a group of houses which lies on the A889 Trunk Road from Laggan to Dalwhinnie, to the south west of Newtonmore. The site lies west of and immediately adjacent to the house known as Cnoc Nan Cruach which is one of 6 houses sited in a linear form on the north side of the trunk road (**Fig.1.**). The site comprises rough agricultural land and represents the eastern edge of an area of birch woodland which thins out at this point. To the north side open sloping fields extend down towards the River Spey. On the north side, between the site and the A889 there is a rough flat area of agricultural land. This provides an open setting to the approach to the houses at Catlodge from the west (**Figs. 2 & 3**).



Fig.2. Site, within the trees when viewed from the A889



Fig.3. Site looking northwards

2. The proposal is an application for outline planning permission for the erection of one dwellinghouse. An amended indicative layout plan shows a house located towards the western side of the plot with a detached garage (**Fig.6.**). As formally submitted, access is proposed via the existing private access road which serves the adjacent houses and which runs northwards from the A889 at its junction with the Glentruim Road. A separate access spur to serve the proposed site will split from the existing private road between the houses known as Rathen and Falas-an-Duin and provide a route along the back of the existing houses along the eastern edge of the open agricultural area (**Figs. 4. & 6.**). However, please note that an alternative access route has been put forward for consideration. This would take access from an existing field gate onto the A889 to the west. This vehicular access crosses the agricultural land and was established at the time of the installation of a telecommunications mast which is situated to the west of the site. This alternative access proposal would involve an upgrade and extension of the access in an eastwards direction across the agricultural land towards the site (**Fig. 5.**).
3. The applicants are a young local family (two children) who live in a tied house at Cluny Estate. Despite a request for supporting information on the applicants need, existing housing situation, occupation and personal case, very little detailed information in this respect has been received.

4. A previous planning application, for a house on this site, dating from 15 January 2004, and submitted by the landowner (but as we understand on behalf of the current applicants), was refused by Highland Council. The access to the site in this instance was from the existing field gate off the A889 serving the telecommunications mast, and as promoted as the alternative access proposal to the current application. The date of this decision was 24 September 2004 and the reasons for refusal related to trunk roads objections on road safety grounds, and a failure to comply with the Restricted Countryside Policy of the Badenoch and Strathspey Local Plan. The CNPA did not call-in this application but made comments. These advised that the CNPA recognised the Restricted Countryside status of the site but also recognised that the site lay immediately adjacent to other houses and an area designated in the Local Plan as Fragile Countryside, where there is a policy presumption in favour of appropriately sited and designed single houses. As such, the CNPA, requested that the applicant be asked to consider alternative sites within the Fragile Countryside Area.

Fig.4. Point of proposed access off existing private road.





Fig. 5. Proposed alternative access directly of A889 looking eastwards towards existing houses – site within trees to the left hand side.

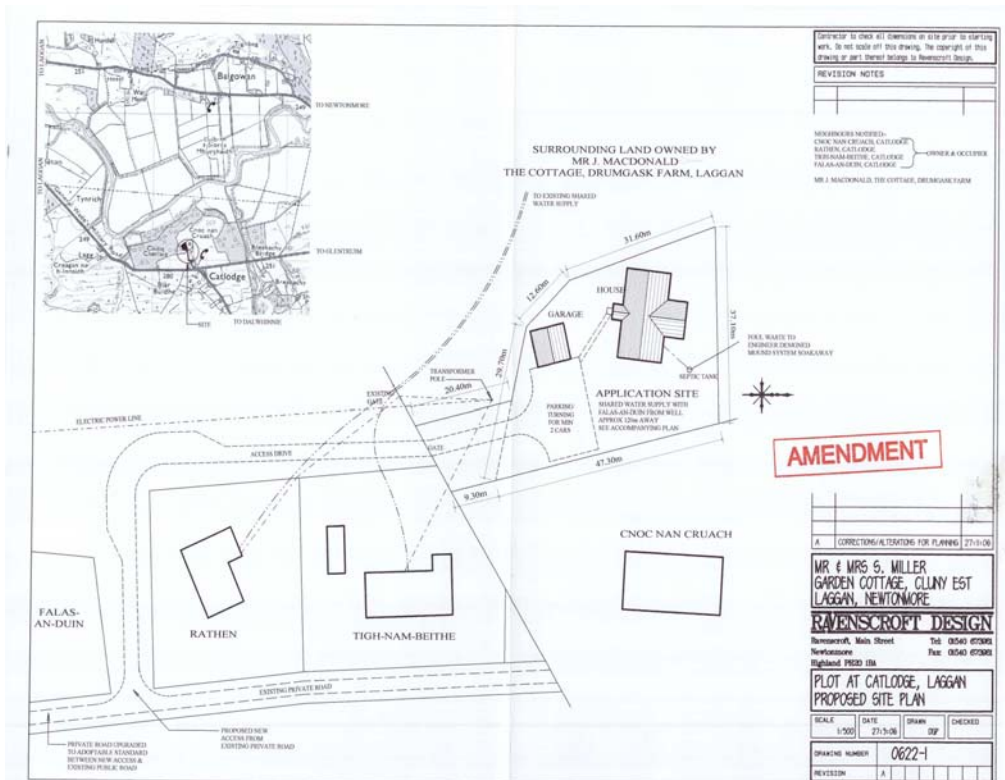


Fig.6. Indicative site layout plan

DEVELOPMENT PLAN CONTEXT

National Planning Policy

5. **Scottish Planning Policy 3 Planning for Housing** notes that where possible, most housing requirements should be met within or adjacent to existing settlements. This prevents the sprawl and coalescence of settlements, makes efficient use of infrastructure and public services and helps to conserve natural heritage and rural amenity. The guidance goes on to note that in more remote areas, new housing outside of settlements may have a part to play in economic regeneration and environmental renewal.

Highland Structure Plan 2001

6. **Policy H3 (Housing in the Countryside)** states that housing will generally be within existing and planned new settlements. New housing in the open countryside will not be permitted unless it can be demonstrated that it is required for the management of land and related family purposes or where it supports communities experiencing difficulty in maintaining population and services. This policy points out that housing should be appropriate in location, scale, design and materials. **Policy L4 (Landscape Character)**, states that the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals. **Policy G2 (Design for Sustainability)**, lists a number of criteria on which proposed developments will be assessed. These include service provision (water and sewerage, drainage, roads, schools electricity); accessibility by public transport, cycling, walking and car; energy efficiency in terms of location, layout and design (including the utilisation of renewable energy sources); use of brownfield sites, existing buildings and recycled materials; demonstration of sensitive siting and high quality design; contribution to the economic and social development of the community; and the impact on resources such as habitats, species, landscape, scenery and freshwater systems. **Policy H8 (Access Arrangements for New and Existing Development)** advises that development proposals which involve new or improved access to serve more than 4 houses shall be served by a road constructed to adoptive standards. The adopted road should normally serve all of the new development and any existing development.

Highland Council Development Plan Policy Guidelines 2003

7. These guidelines consider that **open countryside** is **all** land outside the boundaries of defined settlements. New housing in the Countryside will be exceptional and will only be permitted, in accordance with national policy and approved structure plan policy where it is required for the management of land or related family purposes (retired farmers and their spouses); provided by a social housing provider; involves the

conversion/re-use of a traditional building; involves the replacement of an existing dwelling which does not meet the requirements for modern living and where the costs of upgrading are not justified on economic and environmental grounds (subject to the existing dwelling being demolished); or is part of a comprehensively planned new settlement.

Badenoch and Strathspey Local Plan 1997

8. The Landward 'Housing in the Countryside' strategy of the **Badenoch and Strathspey Local Plan (1997)** identifies the proposed site as being within a Restricted Countryside Area. **Policy 2.1.2.3. (Restricted Countryside Area)** confirms the sentiments of the Structure Plan policy stating that a "strong presumption will be maintained against the development of houses" in such areas. Exceptions will only be made where a "house is essential for the management of land, related family and occupational reasons." It further stresses that adherence to the principles of good siting and design will be required. **Policy 2.5.4. (Woodland and Trees)** seeks protection of existing trees and established woodland areas including small groups of trees or individual granny pines which are important landscape, wildlife and amenity features of the countryside. These include significant areas of ancient and semi-natural woodlands.

Cairngorms National Park Plan 2007

9. The Living and Working Section of the Park Plan includes amongst others strategic objectives to: a) increase the accessibility of rented and owned housing to meet the needs of communities throughout the Park; d) ensure there is effective land and investment for market and affordable housing to meet the economic and social needs of communities throughout the Park. The Conserving and Enhancing the Park Section of the Park Plan includes, amongst others, strategic objectives to; maintain and enhance the distinctive landscapes across the Park; and ensure development complements and enhances the landscape character of the Park.

CONSULTATIONS

10. In relation to the formal proposal to access the site off the existing private road, **Highland Council's Area Roads Manager** has advised that, in principle, and subject to appropriate access improvements, he has no objection to further development in the area proposed. However, the junction of the private road serving the site with the C44 Glentruim Road is located extremely close to the latter road's junction with the A889 trunk road. If any further development is to be served by the private road, upgrading of the road to an adoptable standard must include rationalisation and upgrading of the road layout adjoining the trunk road. Such upgrading is likely to be significant and will require consultation with both Highland Council and the Trunk Roads Authority.

He does not believe that the road improvements required will be cost effective for a single new dwelling and he is therefore unable to recommend approval of the application. It seems to him that any further development in this particular area should be of a scale and type that will enable appropriate comprehensive access improvements to be carried out. As a follow on, he has advised that he is reluctant to try and put costs against road upgrading at this stage. The Trunk Roads Authority would have the main input into any works carried out at the junction. He advises though that another current application for 7 houses at Catlodge includes a complete realignment of the existing private access road over a significant length and ideally he would be looking for something similar for a single dwelling. He suggests that the best hope for this application is on the back of the other 7 house development at Catlodge and therefore it seems that it would be premature for it to be determined until the fate of the larger development is known.

11. **SEPA** has advised that the development will be served by a new septic tank to an engineer designed mound system soakaway. They have stated that their primary interest is in protection of surface waters. They therefore have no objections to the proposals provided the minimum distances to watercourses, water abstraction sources, and groundwater are achieved. There are also no objections to the proposal for surface water drainage to soakaways.
12. **Highland Council's Environmental Health Officer** initially advised that they had no objections to the proposal to gain water for the house via an existing shared well located in the agricultural land to the south west of the site. However, a follow up response advised that if the owners of this shared well did not permit the use of it, then it is essential that the applicant demonstrates that a new supply can be achieved which is both sufficient and wholesome.
13. **Laggan Community Association** have not formally responded to the initial planning consultation. However, through the applicants, a letter in support has been submitted. This advises that the Association are extremely happy to support the application because there is a real need for housing in the area as well as a need to keep young people in the community. **(A copy is attached to this report)**

REPRESENTATIONS

14. **The application was advertised by Highland Council as a "Development Contrary to the Development Plan". All letters received are attached to this report.** Six letters of objection have been received. The issues raised in objection, include (in summary);

- *Position of the proposed access road crosses pipes to existing private water and electricity supplies to existing properties – concern about damage and maintenance access.*
 - *The application should be considered in tandem with the other proposal for 7 houses at Catlodge.*
 - *The application should not be considered until the CNP Local Plan has been agreed.*
 - *The proposed plot is contrary to the land use policy (Restricted Countryside) in the Local Plan and as such a previous application was refused.*
 - *The proposed site is part of a semi-natural woodland – concerns about the impact on trees and vegetation and the wider area of woodland in the locality.*
 - *Any argument of “essentialness” is negated by the fact that the landowner is proposing another 7 houses at Catlodge.*
 - *The combination of the applications at Catlodge would substantially increase the amount of houses at the locality.*
 - *Concerns are raised in relation to the proximity of the proposed house to Cnoc-nan-Cruach – general impact, sunlight, affect on ground water, trees, outlook, amenity.*
 - *Concerns about road safety at the junction of the A889 and other issues relating to the upgrade of the existing private access to an adoptable road.*
 - *Proposal, including any upgrade of the access road to adoptable standards, does not complement the existing pattern and character of the area.*
 - *The proposal will invite additional applications for houses on the west side of the proposed access track as infill plots.*
 - *Concerns about impact on electricity supply.*
 - *Inaccuracies on the submitted plans.*
 - *Concerns about the implications for existing water supplies (including shared ones).*
 - *Impact on amenity of existing dwellings because of access roads on either side, privacy and noise.*
 - *Concerns about the impact of foul drainage.*
 - *Objections about the use of the private access track – the ownership of which is disputed.*
15. Six letters in support of the application have been received. Of these six, one carries 48 signatures, one is from the applicants and one is from the Laggan Community Association. The matters raised include (in summary);
- *It is very difficult for families attempting to buy or even rent accommodation in the area.*
 - *Affordable housing in the area is non existent and land is being offered by the landowner at an affordable price.*
 - *The applicants are in a tied house which may not be secure in the future.*

- *The applicants children are third generation Laggan born – they may have to move out of the area and away from the school.*
 - *The location is suitable, and if sited properly should not affect existing services or houses.*
 - *Since the time of the first application, house and land prices have risen even more out of the applicants reach – this is their only chance to own a home in the community where they have spent all their lives and where they work.*
 - *The area needs young families to avoid becoming a purely retirement/holiday area.*
 - *To turn down the application would show that the national park does not support the local population.*
 - *Existing houses at Catlodge vary and this will not spoil the look of the area.*
16. In addition to the above, attached to this report is information received from the applicants agent and the applicants which provides replies to the objections received and includes a copy of the minutes from the Badenoch and Strathspey Area Committee of 20 September 2004 relating to the determination of the previous application.

APPRAISAL

17. At the outset, and because it has been mentioned in representations and consultation responses, it is important to clarify the situation with regard to another application at Catlodge and how it relates to the application which is the subject of this report. This other application, made by the Highland Small Communities Housing Trust, is for 7 houses (4 affordable and 3 open market) on agricultural land to the east side of the private access road and the existing houses. The land is owned by the same landowner. This proposal also includes a realignment and upgrade to adoptable standards, of the existing private access road, and alterations to the trunk road junction. This application is “on hold” at present. There is an outstanding objection from the Trunk Roads Authority, and concerns about the visual and landscape impact of the proposal. The applicants for this proposal are currently reviewed their position and considering submitting an alternative application for the agricultural land to the west of the existing houses. No application has been received yet. However, the applicants do not wish to withdraw the “on hold” application until such time as any alternative scheme is formally considered.
18. Its relevance to the current application though only relates to the matter of access. This is because both developments could share any upgraded access from the A889 with each other and with the existing houses.

19. The issues which therefore require assessment in the determination of this application relate to the principle in terms of adopted land use planning policy, access, impact on the amenity and servicing of adjacent properties, and impact on natural heritage, the surrounding area and landscape.

Principle in Relation to Adopted Policy

20. The site lies in an area designated as Restricted Countryside in the adopted Badenoch and Strathspey Local Plan. There is a requirement to justify the need for a house in such an area, in terms of land management. The applicants were asked for additional supporting information on their land management need case and any other information about their personal need case (current housing situation, family requirements, current occupations etc). Only limited information has been received. What can be gleaned from various supporting letters etc. is that they live in a tied house on Cluny Estate, are local to the area, and have two children. No clarification of the applicants occupations has been given but it is assumed that, because of their tied house on Cluny Estate, they are involved in work on that Estate. Cluny Estate lies to the north of the A86 on the north side of the River Spey at Balgowan, between Newtonmore and Laggan. This is reasonably close to Catlodge. However, what is clear, is that the land to which the application relates, is not part of Cluny Estate. It is owned by a local landowner/farmer. No matter what occupations the applicants are involved in, there is no direct link to the land which is the subject of the application.
21. The need for affordable housing land in the area is acknowledged. It is also understandable that the applicants would wish to seek permission for their house, on land which, as we understand it, is being offered for a low price by the landowner. However, the fundamental issue here is that there is no direct land management justification for a house on this site. The same situation arose at the time of the previous application. No land management justification was received at that time either. As such, this previous application's failure to comply with Restricted Countryside Policy was given as a reason for refusal. No information has been submitted which would allow me to depart from this position now. The proposal still fails to comply, in principle, with Restricted Countryside policy.
22. It is accepted that the site lies close to other properties but it also lies immediately adjacent to areas of land which are designated as Fragile Countryside in the Local Plan. Sites in the Fragile Countryside area can be more easily supported without the need for land management justification. It may be that there are other opportunities in the Fragile Countryside areas within the same ownership of the current landowner and which could still be related to the existing grouping at Catlodge.

Access

23. The application, as formally submitted, proposes access from an existing private access road which in turn is directly off the A889. Highland Council's Area Roads Manager has stated that he cannot support the principle of a house on this site without an upgrade of the existing road to adoptable standards and a rationalisation of the junction with the A889. The number of houses being served by the road would become five, and as such Structure Plan Policy H8, which limits unadoptable roads to a maximum of four houses, is applicable. This would mean fairly significant engineering operations, including alterations and realignments of the junction with the A889 Trunk Road. Any alteration to this junction requires the formal permission of the Trunk Roads Authority. We know from the response from the Trunk Roads Authority on the application for the 7 houses to the east side of the access, that they have a statutory objection to the proposed re-arrangement and realignment related to that application. Potential alterations to resolve this objection may be problematic due ownership difficulties and the need to retain access to an existing property at the junction.
24. The applicants have stated that they would be prepared to contribute to their share of an upgrade of the access on the back of any approval of the 7 house application. However, if permission was not granted for this 7 house proposal, they would be prepared to widen the existing bellmouth entrance and tarmac it. Again Trunk Roads Authority approval would be required but bearing in mind what they have said already about this junction, approval for this alone, may not be forthcoming. In addition, Highland Council's Area Roads Manager has advised that it is unlikely that this would be acceptable to him. His position would be that there would still need to be a significant upgrade of the junction and the length of road serving the proposed and existing properties, in order to meet adoptable standards.
25. The applicants are aware of these problems, and as such have put forward a proposal for consideration for an alternative access point directly off the A889. This is the same point of access as the previous refused application. This alternative would again require formal consultation with the Trunk Roads Authority. In order to be formally considered, this alternative would have to be tabled as a formal amendment, with a re-notification of owners/neighbours and an amended red line boundary. Indeed, it could be argued that it requires the submission of another planning application. As such, and because, the application is considered to be contrary in principle to the Restricted Countryside Policy (as described above), formal consultation with the Trunk Roads Authority has not taken place. Nevertheless, it is worthwhile noting that the Trunk Roads Authority raised a statutory objection to the use of this alternative access, at the time of the previous application and as such, it formed a reason for refusal at that time.

26. At this time therefore, an acceptable means of access to serve the site has not been found. As stated by Highland Council's Area Roads Manager, it would not be considered to be cost effective for the applicant to upgrade the existing access road to the Council's or Trunk Road's standards, on the basis of one single dwellinghouse. This lack of support for access to the proposed site provides another reason for refusal.

Impact on Amenity and Servicing of Existing Properties

27. Amongst other things, objectors have raised concerns about the impact of the development on existing adjacent houses and their services. The only property which I consider could be directly affected by the actual house positioning would be Cnoc-nan-Cruach which lies immediately to the east of the site at a lower level. The application is in outline format only but the amended indicative site layout plan shows the house 15m away from the mutual boundary. Cnoc-Nan-Cruach is sited another 20m away. There are trees along the boundary which will help provide screening. The house can be positioned within the boundaries so as not to affect the root systems of these trees. I am confident that the detailed siting, design and landscaping of the proposed house would ensure that the amenity of Cnoc-nan-Cruach was maintained. The route of the proposed access behind other properties has also been raised as a concern. Undoubtedly, traffic movements in and out of the house site along this route will involve a change in the character of this particular area. However, I do not consider that this is so significant to justify a reason for refusal.
28. In relation to the concerns about servicing, the matter of electricity supply is not a material planning consideration. The proposed access road will cross water supply pipes and electricity lines serving other properties. However, the concerns over the potential for damage and the need for maintenance, are civil matters. It would be the responsibility of the applicants and their contractors to ensure that the construction of any access road does not impact on these service routes and a legal matter to ensure access for maintenance.
29. In relation to concerns about the provision of a water supply, the applicants have confirmed that the supply would be from an existing well which is one third owned by the occupier of Falas-an-Duin and two thirds owned by the landowner. This two thirds share in the supply would be transferred to the applicants. There is therefore no impact on another shared supply serving two other properties (Rathen and Tighnam-Beithe) as first thought. There are therefore no planning issues in this respect. With regard to drainage, SEPA have no objections to the proposed mound system, provided it meets with distances to watercourses etc. The applicants have confirmed that they will comply with SEPA's requirements and that land is available from the landowner in order to meet the required distances. There are therefore no planning issues in this respect.

Impact on Natural Heritage, Surrounding Area and Landscape

30. Some concerns have been raised about the impact of the house on the pattern and character of Catlodge. The houses at Catlodge essentially form a group around the Trunk Road junction with a linear extension along the private access road in a northerly direction. The site would be at the end of this linear extension but slightly off-set to the west side. The site is though elevated when viewed from the north side across the Spey Strath. At present though, the trees provide a setting for the site when viewed from the south and the north. Provided trees are retained around the boundaries and where possible within the site, I do not feel that a sympathetically designed house of a modest scale, would have a significantly detrimental impact on the landscape quality or settlement character of the area.
31. However, it must be noted that the site is covered by the Ancient Woodland/Semi-natural Woodland Inventory. The applicant was requested to provide details of tree removal on the site. The response is that the site is in an area where the trees thin out, and where the ground cover is rough and stoney. Any trees lost would be replaced. The quality of the Ancient Woodland cover on the site does seem to be diminished. In addition, the site is only a small part of a wider Ancient Woodland designation which extends outwith the site westwards, southwards and eastwards. It may be that a house could be constructed without any significant impact on trees and the wider Ancient Woodland designation. However, it is not clear from the submissions to date, what impact there will be and exactly how many trees will be removed. Without a clear indication of the impact on the designation, in my view, and taking account of the first aim of the Park, it would be inappropriate to accept a house on this site. This is particularly so where there is no land management justification for the house in relation to policy, and where other adjacent sites, outwith the Ancient Woodland designation, potentially provide more "in principle" policy support (Fragile Countryside). As such, I feel this raises another reason for refusal.

Conclusion

32. **Since there is no land management justification for a house on this Restricted Countryside site, the application is considered to be contrary, in principle, to the adopted Local Plan. In addition, at this stage, there is no acceptable or appropriate means of accessing the site. It is also inappropriate to accept the proposal because there are potential and unjustified impacts on the character and integrity of the Ancient Woodland.**
33. **Please note that if Members of the Committee are minded to support the application, a deferral would be necessary. Further formal consultation and discussion with the Trunk Roads Authority in relation to an acceptable means of access would be**

required. The alternative access proposal would also need to be formally amended with the carrying out of formal notification procedures etc.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

34. The site lies within an Ancient Woodland. No detailed information has been given about the potential impact on trees and ground vegetation. It may well be possible to site a sympathetically designed house without significant adverse impacts on this and the wider landscape. However, the proposal is not justified in land use policy terms and there are areas of land in the same ownership nearby which are not Ancient Woodland and where land use policy is potentially more supportive (Fragile Countryside). The proposal is considered therefore to have negative implications for this aim.

Promote Sustainable Use of Natural Resources

35. The proposal has no significant implications at this stage for this aim. However, the house would be located in an area which would need travel by car to services.

Promote Understanding and Enjoyment of the Area

36. The proposal has no implications for this aim.

Promote Sustainable Economic and Social Development of the Area

37. The proposal will provide a house for a young local family, on land, as we understand it, that is being offered at an affordable price. It could be argued that the development would therefore generally help sustain a local population but this is off-set, to a certain extent, by the fact that the applicants already reside in the area. However, as far as we know, their existing house provides no security for them in the long term.

RECOMMENDATION

38. That Members of the Committee support a recommendation to:

Refuse Outline Planning Permission for Erection of Dwellinghouse and Construction of Access Road, Plot to the West of Cnoc-nan-Cruach, Catlodge, Newtonmore, for the following reasons;

- 1. The proposed development is contrary to National, Regional and Local Planning Policy as contained in Scottish Planning Policy 3 (Planning for Housing), Highland Structure Plan Policy H3**

(Housing in the Countryside), Development Plan Policy Guidelines 2003 and the Badenoch and Strathspey Local Plan Policy 2.1.2.3. (Restricted Countryside Areas), all of which restrict new houses in the countryside unless there are particular circumstances and special needs in relation to land management. No justification in relation to land management need has been put forward in this case.

2. In line with Highland Structure Plan Policy H8 (Access Arrangements for New and Existing Development), the proposal will result in a need to improve, to adoptable standards, the existing private access road, serving the site and 4 other houses at Catlodge. The works required would include an upgrade and realignment of the private road along its length, and a rationalisation of its junction with the A889 Trunk Road. In this respect, no detailed or acceptable proposals have been submitted and therefore the proposal fails to demonstrate that it can be served by an adequate standard of vehicular access.
3. The development lies in an area designated on the Ancient Woodland Inventory. It therefore is considered to have the potential to have adverse impacts on this designation. It is also on a site adjacent to areas of land which do not carry this natural heritage designation and where adopted Badenoch and Strathspey Local Plan land-use planning policy (Fragile Countryside) provides more support for single dwellinghouse proposals. It is therefore considered inappropriate and contrary to the first aim of the Cairngorms National Park (to conserve and enhance the natural heritage of the area) to approve a dwellinghouse on this site, where it cannot be justified in relation to land management need.

Neil Stewart

24 May 2007

planning@cairngorms.co.uk

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.