
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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

DEVELOPMENT PROPOSED: OUTLINE PLANNING PERMISSION FOR
A NEW DWELLING HOUSE AND
GARAGE AT GALTON, ORDIE, ABOYNE.

REFERENCE: 05/420/CP

APPLICANT: MR. & MRS. S. BEATTIE,
C/O MATTHEW W. MERCHANT,
SILVERBANK, NORTH DEESIDE ROAD,
BANCHORY.

DATE CALLED-IN: 7th OCTOBER 2005

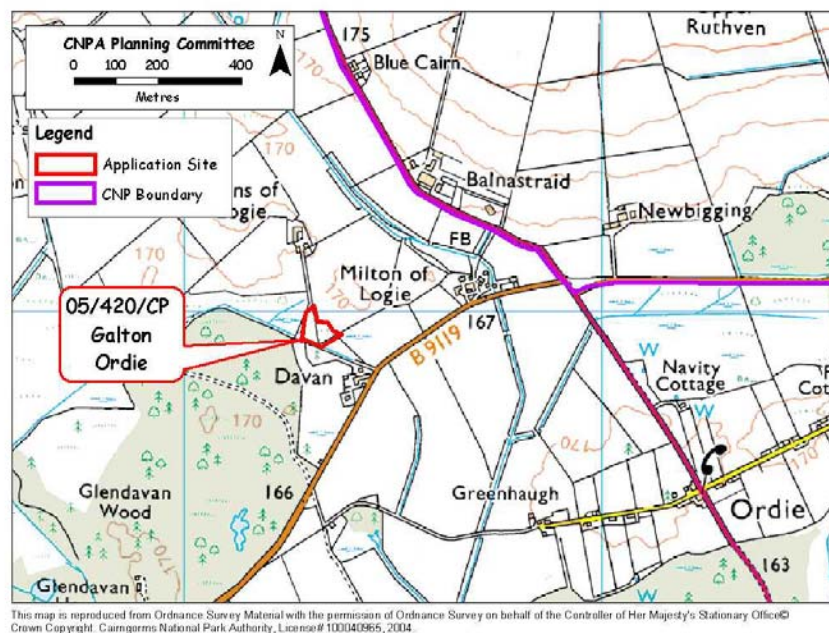


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Outline permission is sought for the erection of a new dwelling house and garage at Galton, Ordie, Aboyne on the easternmost fringes of the Cairngorms National Park. The proposed site extends to 0.38 hectares, consisting of agricultural land. The area is accessed via a single carriage farm track off the B9119 (Tarland - Ballater road). The proposed site is located approximately 154 metres to the west of the public road, with Glendavan Wood located a short distance to the south and Loch Davan beyond that, while the A97 (Dinnet – Strathdon / Huntly) road is located approximately 480 metres to the north east.
2. The subject land is relatively level, consisting of rough grassland, with some native tree species and low level vegetation forming the site boundaries. The farm track providing access to the site traverses past the southern and western boundaries. The track continues in a northerly direction for a further 140 metres past the proposed site to a residential property created from a steading conversion and known as The Mains of Logie.¹ That property is surrounded by agricultural land identified on maps submitted with this application as being in the ownership of the applicants family. There is also evidence of the farm track continuing through the surrounding fields to the west. The proposed site is part of a farmed landholding totalling approximately 153.9 hectares, farmed by family members of the applicants. The landholding is spread over two farming units, one of which is a tenanted farm of 60.5 hectares at Drumneachie, Birse, Aboyne, and the remaining unit of 93.4 hectares, which is owner occupied and located at Gellan, Logie Coldstone (hereafter referred to as Galton) and incorporates the proposed site. The two units are approximately 10 miles apart. An SAC report has been submitted detailing the agricultural practices undertaken (report attached). The activities undertaken at Galton include arable cropping consisting of spring barley and maincrop seed potatoes, silage making and grazing for bef cattle. The report also states that winter housing for cattle is primarily at Galton, where 90 cows and 130 young stock are kept.



Fig.2 : proposed site adjacent to existing laneway (western boundary).



Fig. 3: proposed site as viewed from the western approach (southern boundary)

¹ A map submitted with the application to identify the extent of the landholdings at Galton and Drumneachie included the residential property at the Mains of Logie. However, upon querying this information was subsequently submitted stating that “it is outwith the control of the applicants.”

3. The applicants, Mr. and Mrs. Beattie are son-in-law and daughter of Mr. Alastair McConnach, tenant and owner of the aforementioned farming units at Drumneachie and Galton respectively. The landholding is farmed on a full time basis by Mr. McConnach and his son Philip, both of whom reside in a property on the Drumneachie landholding. There is evidence of a redundant farmhouse on the landholding at Galton, although there is no residential presence on that landholding at present. Supporting information has been submitted in the course of this application to explain the applicants, Mr. and Mrs. Beattie's, background to proposing a dwelling house in this location. A case has been advanced indicating that both applicants are involved in helping on the farms "on a regular part time basis throughout the year." However, the applicants currently reside in Dunecht, and Mr. Beattie's full time occupation is as a police officer attached to Inverurie Police Station. The applicants currently "travel to and from Aboyne to assist with farming operations" and their young daughter is cared for by Mrs. McConnach (grandmother) during the times that Mrs. Beattie is involved in farming activity. Documentation submitted regarding the need for the proposed dwelling house states that Mr. and Mrs Beattie wish to reside on the farm in order to continue to assist with farming operations and also to provide a presence at Galton, where the provision of security and supervision is regarded by the applicants as "essential for good farm practice and animal husbandry." The latter sentiment is one that is supported by the findings of the aforementioned SAC report, where reference is made to the necessity "to comply with current codes of practice and in the interest of animal welfare" and have "daily supervision of livestock, especially breeding cows." The SAC report recommends that in order to achieve this, "it is advisable that farm staff reside on the farm as is normal practice throughout Scotland."
4. The SAC report estimates that the joint operation of the two farming units necessitates annual labour hours of approximately 4,765, with an assumption that one worker contributes 2,200 labour hours per annum. The two full time workers on the overall landholding (tenant / owner, Mr. McConnach and his son) therefore generate labour hours of approximately 4,398 per annum. On the basis of this information, calculations therefore suggest that there is a shortfall of approximately 367 labour hours per annum in the operation of the two unit farming enterprise or 7 hours per week, although a case has been advanced that the labour requirement is not uniform throughout the year, but is dependant upon the various agricultural activities being undertaken at particular times. In information submitted on behalf of the applicants in the course of the application (independent of the SAC assessment), details of the projected combined average working hours of Mr. and Mrs. Beattie over the two farm units equates to 800 hours per annum (excluding allowance for the other two agricultural workers) and 1,120 hours per annum including a four week allowance for the other two agricultural workers (copy of extract from letter attached).

5. Submission documents accompanying this application detailed other accommodation options considered by the applicants. The information referred to a redundant farmhouse existing on the landholding at Galton, but due to its proximity to the existing cattle court, this was discounted on the basis that it “in modern standards is too close for a residential use.” There is also a redundant cottage on the landholding at Galton, but this was also considered unsuitable by the applicants as “it is in a very remote situation close to a cemetery and would be difficult to service and not at all a practical location for a young family.” The submission documents also contain statements to the effect that “no affordable housing exists at Ordie” and the “only option is for Mr. and Mrs. Beattie to build their own affordable home on land which is provided for them.”
6. Although outline permission only is sought in this application, indicative drawings have been submitted in respect of the proposed site layout, front elevation and floor plans of the proposed dwelling house. The dwelling, although described as a one and a half storey property is essentially a two storey structure, with an external finish consisting of extensive areas of glazing on the south, east and west elevations, combined with a mixture of boarded and roughcast walls, under a slate roof, on which it is also proposed to introduce solar panels. The dwelling is proposed to be located within a relatively central position within the subject site, with the proposed garage located to the north east of the structure. Foul drainage is to be disposed of via a new septic tank to a soakaway, and a new water supply is to be taken from the public source.

DEVELOPMENT PLAN CONTEXT

7. Section 3.18 of the **North East Scotland Together, Aberdeen and Aberdeenshire Structure Plan 2001 – 2016 (NEST)** directs new development towards towns and villages and to meet market demand in existing settlements in preference to isolated development in the open countryside.
8. Policy 12 of **NEST**, entitled *House Building in the Countryside Beyond the Green Belt* states that there will be a presumption against house building in such areas except
 - (a) rehabilitation or extension of an existing house; or
 - (b) replacement on the same site of the largely intact house; or
 - (c) a new house which is essential to the efficient operation of an enterprise, which is itself appropriate to the countryside.

Policy 12 also includes the caveat that “all such development must be of the highest quality particularly in terms of siting, scale, design and materials.

9. Policy 19 of **NEST** refers to *Wildlife, Landscape and Land Resources* and outside of designated sites it is the general policy that “all new development should take into consideration the character of the landscape in terms of scale, siting, form and design. Design concerns are further expressed in Policy 20 relating to the *Built Heritage and Archaeology*, with section 4.12 highlighting the fact that national trends towards standard forms of construction can threaten the distinctive character of the North East and emphasising that good design has an important contribution to make towards achieving sustainable development.
10. The **Finalised Aberdeenshire Local Plan 2002** includes more detailed policies. The main policy applicable to the proposed development is **Policy Hou\4 on New Housing in the Countryside**, where it is stated that a single new house will be approved in principle if either :
 - (a) it is for a full time worker in an enterprise which is appropriate to the Countryside;
 - (b) the presence of that worker on site is essential to the efficient operation of that enterprise;
 - (c) there is no suitable alternative to a new house;
 - (d) the proposed house is within the immediate vicinity of the worker’s place of employment; AND
 - (e) it conforms with Appendix 1 (The Design of New Development in Aberdeenshire).
11. In terms of the justification of **Policy Hou\4**, the primary aim of the policy is to support a long term sustainable pattern of development, in addition to helping to protect the natural environment from incremental and sporadic new housing development. It should also be noted that in the event of evidence that it is essential for a worker to live in the countryside, developers may be required to enter into a Section 75 agreement ensuring that any proposed new dwelling is not subsequently sold to a non-essential worker.
12. Chapter 7 of the **Finalised Aberdeenshire Local Plan 2002** details *General Development Policies*, with **Policy Gen\2** on the Layout, Siting and Design of New Development being of particular relevance in the context of the proposed development. The main aim of the policy is to achieve high quality new development, which respects the environment and provides a sense of place. The policy sets out a number of fundamental layout, siting and design principles, including the need for the development to fit successfully into the site and respect the character and amenity of the surrounding area; the scale, massing, height and design should be appropriate and display a high standard of design, materials, textures and colours which should be sensitive to the surrounding area; it respects existing natural and built features on or around the site; and it respects the special character of the landscape in which it is proposed, including respecting important public views.

13. Other relevant policies include **INF4 Drainage and Water Standards** which is to ensure the adequacy of drainage facilities, and water supply; **GEN1 Sustainability Principles** which is to ensure all new development is as sustainable as possible and that developers give increasing consideration to sustainability aspirations in their proposals; **GEN2 The Layout, Siting and Design of New Development**, which is to achieve high quality new development particularly of buildings, which respects the environment and provides a sense of place; and **Appendix 1, The Design of New Development in Aberdeenshire**. The appendix provides design guidance on a variety of issues, including location, site layout, building design and also a specific section on housing design in the countryside.
14. The **Consultation Draft of the Cairngorms National Park Local Plan** has recently been published. The starting point for the plan is three general policy areas, numbered from 1-3 with ascending importance in terms of site sensitivity. General Policy 1 relates to areas that are not identified by policy areas 2 and 3. Policy Area 2 relates to a range of features including Sites of Special Scientific Interest, National Nature Reserves and National Scenic Areas. General Policy Area 3 relates to areas that are particularly sensitive in environmental terms such as SAC's (Special Areas of Conservation) and SPA's (Special Protection Areas).
15. The site is located within a **General Policy 1 Area**. This policy considers that development will only be permitted if it is unlikely to have a significant adverse effect on the aims of the National Park or any of its special qualities. Where it is concluded that there would be adverse effects on the aims of the National Park, any of its special qualities, or public health or amenity from a development, it will only be permitted where it is considered that these would be outweighed by social or economic benefits of national importance or of importance to the aims of the National Park and where appropriate measures are taken to minimise and mitigate the adverse effects of the development.
16. In terms of Housing policy applicable regardless of the **General Policy Area** within which a development proposal occurs, two strategic objectives are set out –
 - To increase the accessibility of rented and owned housing to meet the needs of communities throughout the Park; and
 - To ensure that there is effective land and investment for market and affordable housing to meet the economic and social needs of communities throughout the Park.
17. **Policy 38** of the **Consultation Draft Local Plan** relates to **Proposals for Housing Outwith Defined Settlements** and suggests that outwith established settlement boundaries proposals for new houses will be favourably considered where the proposal complies with at least one of the following:

-the applicant has lived and/or worked in the area for at least 3 years, and are currently un-/inadequately housed. Proof of residency and or work status will be required;

-the proposal can be justified as essential to house worker(s) of long-term economic activity, which is specific to that locality, with a fully reasoned case why housing elsewhere is not suitable. Permission shall be restricted by a Section 75 Planning Agreement/occupancy condition to remain as essential worker housing in perpetuity, or resort to an agreed tenure of affordable housing where the employment use is no longer required;

-the proposal is for a new house, which will be linked by a Section 75 Agreement to the active management of a crofting/agricultural unit, or other land based industry that requires to be based in that locality.

18. In each case the application must be for a single house for permanent occupation and must either join an existing group of at least 3 houses, or must be sited and designed to complement the existing pattern and character of settlement in that locality.

CONSULTATIONS

19. The proposed site is located a short distance from Loggie Burn which is part of the River Dee SAC, where designated status has been attributed for its internationally important populations of Atlantic salmon, freshwater pearl mussel and otter. As such, **Scottish Natural Heritage** were consulted on the proposal and have responded stating that there is no objection to the proposed development, subject to the attachment of conditions in the event of the granting of planning permission, in order to minimise any adverse impacts on the River Dee SAC. Some concern was expressed by **SNH** in their consultation response in relation to the release of silt into the drains during construction and the impact that this may have on the SAC. In order to avoid any possible effects on the freshwater pearl mussel or salmon, both of which are vulnerable to the effects of siltation, SNH recommends that SEPA's Pollution, Prevention Guidelines (PPG 1 and PPG 5) are adhered to during construction.
20. The **Scottish Natural Heritage** report also raises concern that the proposed development might impact on breeding birds which are protected under the Wildlife and Countryside Act 1981 (as amended), suggesting that there is a possibility that the site, or any trees immediately adjacent to it, may be used by such birds. As a precautionary measure, SNH recommend that the site be visited by a competent ecologist in order to establish whether or not birds use it for breeding, and to determine whether or not there are any trees that may be affected. In the event that breeding birds are likely to be affected by the proposal, SNH recommend conditions in the event of the granting of planning permission, with the conditions including a restriction on

any construction work that would disturb birds during the period between 01 March to 31 August, and also suggesting where feasible that proposals should mitigate against the impact on breeding birds by incorporating nest boxes (that are appropriate to the species affected) into the design of the new buildings.

21. **SEPA** have also responded stating that they would not object to a proposal for a septic tank discharging to mound soakaway, provided that it is designed in accordance with the Domestic Technical Handbook. The need to achieve minimum separation distances to wells and watercourses as set out in the aforementioned handbook was also highlighted, together with a stipulation that there should not be any egress of treated effluent from the base of the mound soakaway onto surrounding land, and no discharge to any adjacent clean waste drainage system, ditch or other watercourse.
22. In an initial response received from the **Transportation and Infrastructure** department of **Aberdeenshire Council**, it is stated in respect of entrance arrangements that “the existing is narrow with restricted visibility to the right due to overhanging vegetation.” As a means of ameliorating this, revised drawings were required in order to show the access widened over the first 5 metres and also requiring confirmation that the vegetation within the visibility splay can be cut back and thereafter maintained free from obstruction. In the absence of such details, the **Transportation and Infrastructure** division recommended refusal of the application on the grounds of insufficient visibility, road safety concerns and insufficient information available to adequately determine the application.



Fig. 4 : visibility to NE of access lane



Fig. 5 : visibility to SW of access lane

23. In accordance with the suggestions made by **Aberdeenshire Council's Transportation and Infrastructure** department, the applicants were requested to submit revised drawings to demonstrate achievement of the required improvements and visibility, and the information was duly received on 10th November 2005. At the time of writing this report further comments on the proposal had not been received from the **Roads Authority**. It should however be noted that despite a recommendation in the original response to refuse planning permission, reference was also made to the fact that the

recommendation would be reconsidered upon receipt of an amended drawing and an assurance that vegetation within the visibility splay could be cut back and thereafter maintained free from obstruction.

24. The proposal has also been assessed by the **Environmental Planner (Natural Heritage)** with Aberdeenshire Council. The consultation response received makes reference to the fact that a number of trees on and adjacent to the site are identified for retention on the submitted site layout plan. Accordingly, the consultation response requires that such trees should not be affected by the proposed development and in order to ensure their protection recommends that a condition be attached to any grant of planning permission, requiring their protection in accordance with British Standard 5837 – Trees in Relation to Construction.

REPRESENTATIONS

25. One letter of representation has been received in respect of the proposed development. Mrs. S.H. Wyatt of Mains of Logie objects to the proposal on four grounds – (1) it does not form part of the existing settlement; (2) “it is contrary to local development plans in that it lies in open countryside”; (3) the site is wet, especially in winter and therefore gives concern about drainage; and (4) as the main user of the access track, the author of the letter fears that her access may be affected.

APPRAISAL

26. The proposed development is for a new dwelling house in the countryside. The key issues to assess in this application relate to the principle of a dwelling house on this site in relation to development policies, and the particular merits, or demerits of the site in terms of general siting, visual impact, amenity, road access and the precedent, which such development may set.
27. In terms of **Policy Hou\4** of the **Finalised Aberdeenshire Local Plan 2002**, one of the key issues to examine is the background to the need for the proposed dwelling house at this location. As has been detailed in earlier sections of this report, the applicants, although offering assistance on the family farm, are not permanently engaged in agricultural activity, with Mr. Beattie’s full time occupation being a police officer based in Inverurie, and it is understood that Mrs. Beattie is primarily occupied by domestic affairs in the home. Whilst a case has been made regarding the possible need for the presence of a worker on the Galton landholding in the interests of animal welfare and the efficient operation of the farming enterprise, I do not consider that there is a specific case for the applicants to reside at this location. Indeed it would appear that either of the two individuals working in a permanent capacity on the Drumneachie / Galton landholding may

potentially have a far stronger case for residing at the proposed location, and in doing so could fulfil the existing planning criteria in which new housing would be considered in the countryside. It is also assumed that the presence of a full time worker on the Galton landholding would be far more efficient for the carrying out of farming duties rather than persons whose primary occupation or domestic arrangements may render them unavailable for considerable periods of time. It should also be noted that the details submitted in the SAC report only indicate a shortfall of 367 hours per annum, assuming the two permanent workers maintain labour hours of 2,200 per annum (equating to approximately 42 hours per week).

28. The issue of whether or not there are suitable alternatives to the proposed new dwelling house has also been mentioned briefly in earlier sections of this report. It is an issue that the applicants have undoubtedly given consideration to, but have ultimately discounted possibilities for renovation of either of two existing properties on the Galton landholding, largely on the basis of personal preferences, rather than on planning grounds or other technical reasons. Reference has also been made in submission documents to the fact that there is no affordable housing available in the area, although no evidence of efforts to secure any existing properties has been advanced in support of this argument.
29. In terms of Policy Hou\4 d) regarding the fact that the proposed dwelling house should be within the immediate vicinity of the workers place of employment, this is a further point on which the applicants fail to comply with the overall policy for new housing in the countryside, as Mr. Beattie's permanent full time employment is based in Inverurie, a distance of approximately 38 miles from the proposed site.
30. Finally in respect of Policy Hou\4, the **Finalised Aberdeenshire Local Plan** advises that developers may be required to enter into a section 75 Agreement to ensure that any new house approved under part 1 of the policy is never sold to a non-essential worker. It is a requirement that has been widely applied in respect of housing proposals in rural areas of Aberdeenshire, with Aberdeenshire Council as Planning Authority, and in recent times, has been applied by the Cairngorms National Park Authority acting as Planning Authority. Having regard to the acknowledged need for the provision of housing to accommodate the needs of residents and communities throughout the Park area, it is essential that safeguards are in place, where planning policy permits, to ensure that new housing remains available in perpetuity to meet the needs of essential workers, and the application of Section 75 Agreements and / or planning conditions restricting occupancy have proven an effective means of achieving this. In the case of the current proposal, the applicants have declined to enter into a Section 75 Agreement or accept any form of restrictive occupancy condition. It is a matter that was explored in detail in the course of the assessment of the development proposal. A response received from the applicants

representative outlined the background to the applicants reluctance to accept such restrictions, on the basis that "it was impossible to obtain favourable mortgage arrangements if there is an occupancy condition attached."

31. Whilst I have sympathy for the applicants position and their desire to secure the most competitive mortgage deal possible, I do not consider that this is a factor which warrants special treatment of the applicants case or the setting aside of restrictions normally imposed on dwelling houses proposed in the countryside. In fact to do so, would in my opinion, be inconsistent with the approach that has been taken by the CNPA in the assessment and determination of other applications of a similar nature in many areas of the National Park, and moreover would undermine efforts to permit housing to meet the genuine housing needs of park dwellers, and would consequently set a precedent for acceptance of unjustified housing units within rural areas of the National Park.
32. In terms of the actual siting of the dwelling house, it is proposed in a relatively well screened and unobtrusive location, and I consider that the site has the potential to accommodate an appropriately designed dwelling house. Although the elevation drawing and floor plans submitted are intended as indicative only (as this is an application for outline planning permission), I do not consider that the design concept employed, with extensive glazing and a prominent plunging roofline in the central section of the front elevation, is necessarily the most appropriate approach at this site, nor does it adequately comply with the requirements of Appendix 1 (The Design New Developments in Aberdeenshire) of the Finalised Local Plan, particularly in respect of shape and proportion, design details and relationship to neighbouring properties.
33. Other issues relating to the actual location and siting of the proposed dwelling house are considered resolvable. For example, despite not being in receipt of a response from the Transportation and Infrastructure section of Aberdeenshire Council on the most recent access proposals submitted on behalf of the applicants, the details submitted in respect of the access arrangements at the junction of the lane with the public road have clarified that it is possible to meet the requirements stipulated by the Transportation and Infrastructure section of Aberdeenshire Council. The lane over which access to the site is proposed appears to have relatively limited usage, leading only to agricultural land which is in the ownership of the applicant's family, and also serves one existing residential property, located to the north west of the subject site. Other than at its junction with the public road, the issue of width was not highlighted as problematic in the report received from the Transportation and Infrastructure section of Aberdeenshire Council, nor was concern raised regarding issues such as structural condition, alignment or potential traffic congestion. Given the low volumes of traffic using the laneway, I do not consider that the

proposed development would be likely to affect access on the lane, as suggested in a letter of representation received.

34. As regards the potential impacts of the proposed development on the natural heritage of the area, **Scottish Natural Heritage** as detailed in para. 20 of this report, have not raised an objection to the proposal, although some concern was expressed in the report regarding the need to establish whether or not the site is used by breeding birds. Given that the principle of the development proposal fails to comply with planning policy, it was not considered appropriate to request at this stage that the site be surveyed by a competent ecologist, as suggested by SNH in order to establish whether or not there are trees on site that might be used by breeding birds. The issue was however raised with the applicants agent and a response was received indicating that "there are no specific breeding birds on the application site." In the event of any development proceeding on the subject site, I feel that it would be prudent to address the concerns of SNH in more detail prior to the commencement of any development.
35. In conclusion, having examined the technical aspects associated with the proposed development of a dwelling house at this rural location, and having regard to the case advanced in respect of the applicants need or desire to reside at the proposed location, I do not consider that the proposal is in accordance with the current planning policy applicable to this area for New Housing in the Countryside and the circumstances do not warrant a departure from the stated development plan aims of achieving a long term sustainable pattern of development in countryside areas, whilst protecting the natural environment from incremental and sporadic new housing and ensuring that new houses remain available to essential workers in future years.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

36. The erection of a dwelling house and garage may have the potential to affect breeding birds in the vicinity, although measures could be employed to mitigate against any impacts, such as the incorporation of nest boxes (appropriate to the species affected) into the design of any new building.

Promote Sustainable Use of Natural Resources

37. Details of the new building are not sufficient to assess compliance with this aim.

Promote Understanding and Enjoyment of the Area

38. The proposal has little relevance to this overall aim.

Promote Sustainable Economic and Social Development of the Area

39. The location of another single house in the countryside has the potential to add to servicing costs for the local community in terms of services such as school transport, refuse collection, fire and health etc and would tend to promote reliance upon the private car.

RECOMMENDATION

That Members of the Committee support a recommendation to:

Refuse Outline Planning Permission for a dwelling house and garage at Galton, Ordie, Aboyne, for the following reason -

- (i) That the proposal is contrary to Policy Hou\4 (New Housing in the Countryside) of the **Finalised Aberdeenshire Local Plan 2002**. The proposal represents a new house in the countryside, which has not been justified as a place of residence for a full time worker in an enterprise appropriate to the countryside, is not within the immediate vicinity of the worker's place of employment and where the applicants have declined to enter a Section 75 Agreement or accept any form of restricted occupancy. The proposed development would therefore contravene existing policies on new development in the countryside and would encourage and set a precedent for the sporadic siting of other residential developments in similar rural locations, all to the detriment of the character of the countryside and the amenity of this part of the National Park area, and furthermore it is not considered to make any positive contribution to the sustainable socio-economic development of the National Park.

Mary Grier
28th November 2005

planning@cairngorms.co.uk