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## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title: REPORT ON CALLED-IN PLANNING APPLICATION**

**Prepared by: NEIL STEWART, PLANNING OFFICER (DEVELOPMENT CONTROL)**

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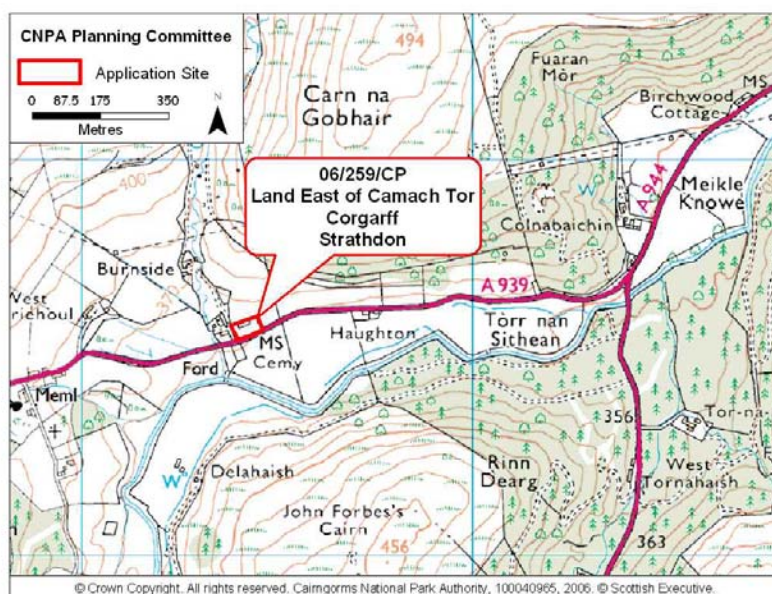
**DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE, LAND EAST OF CAMACH TOR, GOODBRAND & ROSS, CORGARFF, STRATHDON**

**REFERENCE: 06/259/CP**

**APPLICANT: GOODBRAND & ROSS, CORGARFF, STRATHDON**

**DATE CALLED-IN: 14 JULY 2006**

**RECOMMENDATION: APPROVAL, SUBJECT TO, REVOCATION OF PREVIOUS PERMISSION, S75 LEGAL AGREEMENT AND CONDITIONS**



**Fig. 1. Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. Goodbrand & Ross is a long established business which is sited on the A939 Lecht Road, at Corgarff. The business provides retail, tearoom and winter sports equipment hire facilities, in a building which sits slightly above the road on its north side. The building is of log construction with grey profiled concrete roof tiles. Car parking fronts the building accessed directly off the A939. To the immediate west side of the building, there are some trees amongst which there are some picnic tables. Beyond this and the boundaries of the site, there is a track and two existing houses. On the immediate east side of the building there are some more young trees which provide a landscaped screen from this side. Open sloping fields extend northwards, eastwards and southwards across the road. Photos are provided at Figs. 2 & 3 below.



**Fig. 2. Goodbrand & Ross viewed from the A939**

2. The proposal is to erect a new dwellinghouse for the current owners of the business. It is proposed on the east side of the existing building and will require the removal of some of the young trees on this side. (Fig. 4 below) The house which is of log construction to match the existing building, will comprise 3 bedrooms and bathroom facilities on the ground floor with living and kitchen accommodation of the first floor within the attic space. The overall size and footprint of the house is small (8.9m length by 7m width). Due to the limitations of the site, the house will have its front gable facing the road. There is also a balcony proposed on this south facing gable. The roofing material is shown as profiled concrete roof tiles to match the existing building but following discussion it has been agreed that slate would be more appropriate (Fig.

5 below). The house is to connect into the existing septic tank and soakaway system for the business.

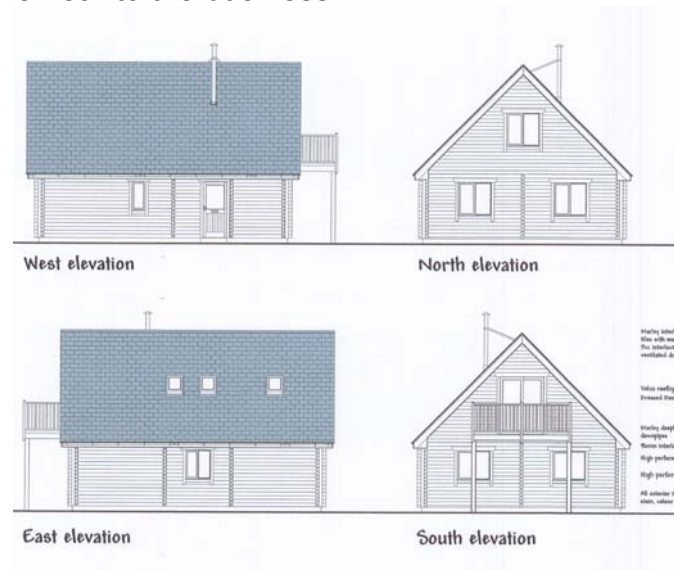


**Fig. 3. Goodbrand & Ross Viewed from West Side**



**Fig.4. Site of Proposed House to East Side**

3. The applicants are seeking permission for the house on the basis of a need to reside on site, in order to administer the efficient operation of the business. Their need case is supported in two letters which have been forwarded and are attached to this report. To summarise, the applicant's reside in Aberdeen at present, and Mrs. Ross, travels to and from Corgarff on a daily basis. The business is open seven days a week. During the winter months, when the ski hire facilities are available, this can mean leaving Aberdeen at 6am. The business is open seven days a week. Mrs. Ross works between 9-12 hours a day at the premises, in addition to the long round trip. Occasionally, Mrs. Ross has found it necessary to stay on the premises. The duties include opening up, serving and talking to customers, receiving deliveries, stock taking and ordering, invoice preparation, managing staff, wages, rotas, closing up etc. The business has a high value stock and bearing in mind the location, security is an issue. The applicants and their business are committed to the area, and they employ two full-time and eight part-time staff, all from the local community. The premises are also becoming a focus point for some community activities. The shop and tearoom can often have between 100-200 customers per day, including bus groups. The applicants feel that their business is an asset to the Cairngorms National Park with considerable further potential which can only be realised and improved if they live near to the business.



**Fig. 5. Elevations of Proposed House**

4. The Committee's attention is drawn to the fact that there is an extant Full Planning Permission for a house, dating from July 2002, sited on the west side of the existing building. Aberdeenshire Council granted permission for this house, to the previous owners, on the basis of a genuine need for accommodation on the site. A Section 75 Legal Agreement restricting occupancy to a person or persons solely or mainly employed in the adjoining business, was agreed and signed before this permission was issued. The proposed house was also a log construction type building (2 bedroom). **If successful the applicants**

would be agreeable to this extant permission being formally revoked.

## DEVELOPMENT PLAN CONTEXT

5. In the **Aberdeen and Aberdeenshire Structure Plan (NEST) 2001-2016, Policy 12, (House Building in the Countryside)**, states that there will be a presumption against new houses except for a new house which is essential to the efficient operation of an enterprise which is itself appropriate to the countryside. Within the Rural Housing Market Area, erection of a single new house within an existing cohesive group of at least five houses may be permitted where the development provides a material improvement to local public infrastructure and which is accessible to local services by public transport, foot or bicycle. Local Plans are to define the exact nature of a 'cohesive group' using criteria such as landscape character and the existing pattern of development. **Policy 19 (Wildlife, Landscape and Land Resources)**, states that development that would have an adverse effect on an Area of Landscape significance will only permitted where it can be demonstrated that any damaging impact is considered acceptable overall or there is a public interest which outweighs the conservation interest.
6. In the **Adopted Aberdeenshire Local Plan 2006, Policy Env\5B (Areas of Landscape Significance)** states that development within an AoLS 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. In all cases, the highest standards of design, in terms of location, scale, siting, aesthetics and landscaping, will be required.
7. **Policy Hou\4 (New Housing in the Countryside including the Aberdeenshire Part of the Cairngorms National Park)**, states that the erection of a single new house in the Countryside will be approved, in principle, if; (a) it is for a full time worker in an enterprise which itself is appropriate to the Countryside; (b) the presence of that worker on-site is essential to the efficient operation of the enterprise; c) there is no suitable alternative to a new house e.g. through conversion of an existing building or properties for sale or rent in the area, which could fulfil the required function; 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).
8. **Policy Inf\4A (Foul Drainage Standards)**, states that developments proposing private drainage infrastructure should demonstrate that it can be provided without negative impacts on amenity, public health, and the environment. **Policy Gen\2 (The Layout, Siting & Design of New Development)** sets out criteria to be adhered to including (amongst others); it respects the character and amenity of the surrounding area;

it displays a high standard of design, materials, textures and colours that are sensitive to the surrounding area; it respects the characteristics of the landscape in which it will be situated; it takes account of energy efficiency; and it respects important public views. It must also comply with the design guidance set out in **Appendix 1. Policy Env\8 (Trees and Woodland)** advises that development that would cause the loss of, or serious damage to, trees or woodlands which are of significant ecological, recreational, historical, shelter or landscape value, will be refused, unless, amongst other things, its public benefits at the local level clearly outweigh the value of the habitat; the development will be sited and designed to minimise adverse impacts and there are satisfactory measures to replace or enhance existing trees.

9. **For information purposes only, the Cairngorms Draft Cairngorms National Park Plan: Priorities for Action 2007-2012** puts forward 7 priorities for the National Park. One of these is “Conserving and Enhancing the Park’s Biodiversity and Landscapes”. Work within this priority includes enhancing the Park’s landscapes, identifying and enhancing habitat networks, enhancing the condition of designated sites within networks, and protecting biodiversity. Another priority is “Making Housing Affordable and Sustainable”. Work within this priority includes increasing supply and accessibility, promoting effective co-ordination and co-operation, and improving the quality and sustainability of design. **Please note the Draft Park Plan is not a land use development plan and carries no material weight at this stage.**
10. **Again, for information purposes only, the CNPA consultative Draft Local Plan,** locates the site in a **General Policy 1 Area**. This states that development will 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. **Policy 4 (Landscape)** advises that development that is likely to have an adverse impact on the special landscape qualities of the National Park, including: landscape character; scenic qualities; natural beauty; amenity; historic landscape elements; cultural components; or wild land character, will not be permitted.
11. **Policy 39 (Proposals for Housing Outwith Defined Settlements)** states that outwith established settlement boundaries, proposals for new houses will be favourably considered where the proposal complies with at least one of three criteria. These are; the applicant has lived and/or worked in the area for at least 3 years, and is currently un-/inadequately housed; the proposal can be justified as essential to house worker(s) for long term economic activity which is specific to that locality, with a full reasoned case why housing elsewhere is not suitable – occupancy conditions will be required; or 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 based in the specific locality. In each case, the application must be for a single house for permanent occupation and must either join an

existing group of at least three houses; or be sited to complement the existing pattern and character of development.

## CONSULTATIONS

12. **Aberdeenshire Council's Transportation and Infrastructure Service** have no objections to the proposal. They do state that visibility to the right is restricted by the bend in the public road. However, this bend and the narrow bridge reduce vehicle speeds to around 40mph. As such, they view the existing visibility at the shared access as adequate. They do though view the access as poor in terms of surface condition and they therefore require a condition which ensures that the access is finished with a hardstanding material for the first 5m.
13. **Aberdeenshire Council's Natural Environment Planner** has advised that a belt of young mixed broadleaved trees has developed and now provides a significant screen to the existing building and sympathetic impact in the landscape. It may be possible to move some of the trees but the location of the proposed house may not leave much room for additional planting. It may be that the proposal should be supported by a tree report in accordance with the British Standards to assess impact and provide recommendations for protection and replanting.
14. **The CNPA's Housing Policy Officer** has advised that the site was subject to a previous house application and it would be appropriate to link occupancy of the house to the business. It seems more sustainable for the family to live close to the business than travel long distances.
15. **The CNPA's Senior Visitor Services Officer** has advised that he would support an appropriately designed dwelling if it is linked to the established business at Goodbrand & Ross.
16. **Aberdeenshire Council's Environmental Health Service** has advised that in this case, with regard to the sufficiency and suitability of the private water supply, the proposal is no more onerous than the previous approval. Accordingly, they have no objections or observations.
17. **SEPA** have advised that they have no concerns relating to the proposals to connect to the existing foul drainage system on site. At the time of the previous application, it was demonstrated to the satisfaction of Building Standards that the existing system was of sufficient capacity to accommodate the increase in use. Under the Controlled Activities Regulations, there will though be a requirement to seek formal authorisation from SEPA for the increase in use of the existing system.

## REPRESENTATIONS

18. No letters of objection have been received. The applicant has submitted two letters in support of their application. The contents have been summarised in paragraph 3 above. **The letters are attached for the consideration of the Committee.**

## APPRAISAL

19. The issues that require consideration for this proposal include, the principle of a house on this site in terms of planning policy and need, the impact on the landscape and trees, and design.

### Principle and Need in Relation to Planning Policy

20. The site lies in a countryside area where statutory structure and local plan policy provides a presumption against new house building, unless it can be demonstrated that it is required to allow the *“efficient operation of an enterprise which itself is appropriate to the countryside”*. The applicants took ownership of the existing Goodbrand business in November 2005 and have continued to develop it. The letters submitted in support provide details of how the business operates, the applicants current circumstances and the duties that are carried out, on site, on a day to day basis. There is also an emphasis on the importance of the business to the economic development of the community and the National Park (a total of 10 full-time/part-time staff are employed locally). The business is long established and it seems clear, from my discussions with the applicants and their supporting information, that they are working hard to continue to sustain and develop the business even further. The facilities offered are open 7 days a week, and because of the location close to The Lecht Ski Centre and the Ladder Hills, they are not seasonally dependent. The hours of operation vary, but in the ski season, it can be from 7:30am until 6:00pm, and in the summer it can be from 9:00am until 7:30pm. The applicants currently reside in Aberdeen. Mrs. Ross travels to and from Corgarff on a daily basis – although it is known that on occasion, because of the distances involved, weather conditions, or the need to do paperwork – Mrs. Ross has had to have an overnight stay in the premises. The shop is of a reasonable size, and it does carry stock of considerable value. Bearing in mind its fairly remote rural location, it seems quite understandable to have “24 hour” on site presence, from a security point of view.
21. Also material to the case, is the existence of an extant planning permission for a similar but slightly smaller sized house on the west side of the existing building. A need case was made for this house by the previous owners but the permission has not been implemented. **However, it could be implemented anytime before the end of July 2007.** Since the applicants are new owners and are proposing



something different in design and siting terms, there is a requirement to re-assess the case on the basis of their need, but the previous permission must carry material weight in the overall consideration. **Effectively, the application represents a substitute for this previous one. If the current application is successful, the previous permission requires to be formally revoked and the applicants are agreeable to this procedure.**

22. **On the basis of the information provided, I believe that a justifiable and sufficient need case, which meets the requirements of planning policy, has been made in this instance. Permitting a house for the owners, provided it carries an occupancy restriction, will both improve the efficient operation of the Goodbrand & Ross business and allow the applicants to improve their social circumstances. The applicants are agreeable to entering into a Section 75 Legal Agreement restricting occupancy of the house to someone working full-time in the adjacent business.**

### **Impact on Landscape and Trees**

23. The site lies in a prominent location on a main tourist and through route in the Park. It is also within the much wider but non-statutory Area of Landscape Significance designation in the Local Plan. The Area of Landscape Significance in the Local Plan extends to virtually all of the landscapes within the Aberdeenshire area of the National Park (except those within a National Scenic Area) and they are viewed as important not only for their physical landforms but also for the environmental assets that they represent. The impact of even a relatively small development such as this one must be considered in this context.
24. The previous house approval was sited on the west side of the existing building. This was well contained within the context of the existing buildings and the trees. However, it would still have required the removal of a number of young trees on the actual site. The applicants wish to relocate their house to the east side. The reasons are that there are visitor facilities (picnic tables and an outdoor deck) in this area which are viewed as an important visitor attraction. There are also windows from the tearoom on the west gable which overlook the site and would impinge on privacy, and in order to connect to the existing septic tank, the car park would require to be dug up. The east side would provide more privacy and mitigate the need to cause significant disruption to the car park.

25. The proposed site is certainly now more prominent than the one on the west side. There will also be some removal of trees, which although young at present, still provide a degree of screening and landscape context to the site. Aberdeenshire Council's Natural Environment Planner has raised a degree of concern about the impact on these trees and therefore the wider landscape. My view is that, the applicants reasons for relocating, from a practical and privacy point of view, are understandable. I do not consider that the removal of some of the existing young trees (the applicant hopes to replant them if possible) is of such a significance in landscape terms, to merit raising an objection on these grounds alone. The footprint and orientation of the house are such that additional replacement tree planting can be accommodated on the east boundary and on the south side towards the road. This will continue to mitigate, in landscape terms, any impact of the new structure. Conditions can be applied in this respect and the applicants have confirmed their desire to carry out appropriate landscaping and tree planting.
26. While recognising the concern, I am not of the opinion, in this instance that the proposal fails to comply with planning policy in relation to this aspect.

## Design

27. The use of a log type construction for a house design, in many cases, is not viewed as necessarily appropriate in design terms. This is because the aesthetic is not one which reflects traditional vernacular design or character. However, in this instance, the existing building on the site is of log construction, made by the same company that is to provide the proposed house. The house will be sited within its curtilage and in close proximity to it. Its use is also clearly linked to the operation of the business. I therefore feel that in this instance, a house design that does not follow the same approach, could appear incongruous. In accepting this design, I emphasise that it is only viewed as appropriate in this particular case because of the on site situation and therefore it does not necessarily act as an acceptable precedent for a similar approach in other circumstances elsewhere. The roof pitch, gable width, and window configurations are also of traditional proportions. I have also secured agreement with the applicants to use natural slate on the roof as opposed to the proposed concrete roof tiles. This is different to what is on the existing building, but I feel it is important, as an acknowledgment of the need to enhance the cultural and built heritage of the area. The roof plane will be seen, particularly from the east approach, and slate will provide a more appropriate appearance.

## **Conclusion**

28. Taking account of all the issues above, my conclusion is that there is a justifiable need case for a house in this instance and the impact and design of the proposal is acceptable. The proposal accords with planning policy and has positives for the aims of the Park.

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

### **Conserve and Enhance the Natural and Cultural Heritage of the Area**

29. The removal of some young trees to facilitate the siting of the house is negative in terms of conserving the natural heritage of the area. However, this loss is not significant and there is a commitment to carry out replacement and/or replanting. The use of slate on the roof is positive in terms of acknowledging the need to conserve and enhance the cultural heritage of the area.

### **Promote Sustainable Use of Natural Resources**

30. The use of a renewable material for the construction of the house is positive in terms of this aim. The house will also allow the owner to remove the significant distances involved in travelling to and from the business.

### **Promote Understanding and Enjoyment of the Area**

31. The erection of a new house at this location has no direct implications for promoting understanding and enjoyment of the area. However, the business is conveniently located on a main tourist route and offers information on the National Park.

### **Promote Sustainable Economic and Social Development of the Area**

32. A house in association with the existing business at Goodbrand & Ross will help to sustain the development of the enterprise in this countryside location. The business employs local staff and is looking to further its association with the Strathdon and Corgarff communities. The provision of a house here will also help improve the quality of life for the applicants. The proposal is therefore viewed as positive in terms of the economic and social development of the area's communities.

## RECOMMENDATION

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

**Grant Full Planning Permission for the Erection of a Dwellinghouse, at Land to the East of Camach Tor, Goodbrand & Ross, Corgarff, Strathdon, subject to:**

- i. the completion of a Section 75 Legal Agreement restricting occupancy of the dwellinghouse, to a person working full-time in the adjacent Goodbrand & Ross business;**
- ii. the formal revocation of Aberdeenshire Council Full Planning Permission Reference S020099PF, dated 30 July 2002; and**
- iii. the following conditions;**
  1. The development to which this permission relates must be begun within five years from the date of this permission.
  2. The occupation of the dwellinghouse hereby approved shall be limited to a person solely or mainly employed in the adjoining business premises, or a dependent of such a person residing with him or her.
  3. That prior to the commencement of any works on site, detailed drawings clearly illustrating, in cross-section form, the existing ground level, the finished floor level of the approved dwellinghouse and the extent of any underbuilding involved, shall be submitted for the further written approval of the CNPA acting as Planning Authority. The floor levels shall clearly relate to a Fixed Datum Point on the site which shall be clearly identified on the drawings. For the avoidance of doubt, the dwellinghouse hereby approved shall be cut into the slope, unless otherwise agreed in writing with the CNPA acting as Planning Authority.
  4. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), no house extension shall be formed, and no greenhouse, shed or garage erected on the site, without the prior written consent of the CNPA acting as Planning Authority.
  5. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), no fences or walling, associated with the approved dwellinghouse, shall be erected on the site without the prior written consent of the CNPA acting as Planning Authority.
  6. That replacement tree planting, of a native species and variety, height and number, in accordance with a scheme to be submitted to and approved by the CNPA acting as Planning Authority prior to the commencement of the development, shall be undertaken in the areas

hatched in green on the approved site plan drawing no. 0605/014, during the planting season next following the completion of the development.

7. Notwithstanding the details shown on the approved elevations drawing no. 0603/014, the Marley interlocking concrete roof tiles are not approved. The roof of the dwellinghouse hereby approved shall be finished in natural slate, exact details of which (sample) shall be submitted for the further written approval of the CNPA acting as Planning Authority prior to the commencement of works on site.
8. The external timber to the walls of the dwellinghouse hereby approved shall be dark stained to match that of the existing adjacent building, all to the satisfaction of the CNPA acting as Planning Authority.
9. Prior to the commencement of development, the developer shall submit full working details of the method of on-site disposal of surface water drainage. This shall be in accordance with the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland, CIRIA C521 2000, to the satisfaction of the CNPA acting as Planning Authority in consultation with the Scottish Environment Protection Agency.
10. That prior to the commencement of any other works on site associated with the development hereby approved, the first 5 metres of the existing access shall be surfaced in hardstanding materials to the satisfaction of the CNPA acting as Planning Authority following consultation with Aberdeenshire Council Transportation and Infrastructure Service. Exact details and specifications for the hardstanding material shall be submitted for the further written approval of the CNPA acting as Planning Authority.
11. Visibility of splays of not less than 2.4 metres x 160 metres shall be maintained free from any obstructions exceeding a height of 1 metre above the adjacent road channel levels, in both directions at the junction of the existing access with the public road, all to the satisfaction of the CNPA acting as Planning Authority in consultation with Aberdeenshire Council Transportation and Infrastructure Service.

**Neil C. Stewart**

**27 October 2006**

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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.