

---

## CAIRNGORMS NATIONAL PARK AUTHORITY

---

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

**Prepared by: ROBERT GRANT, PLANNING OFFICER  
(DEVELOPMENT MANAGEMENT)**

---

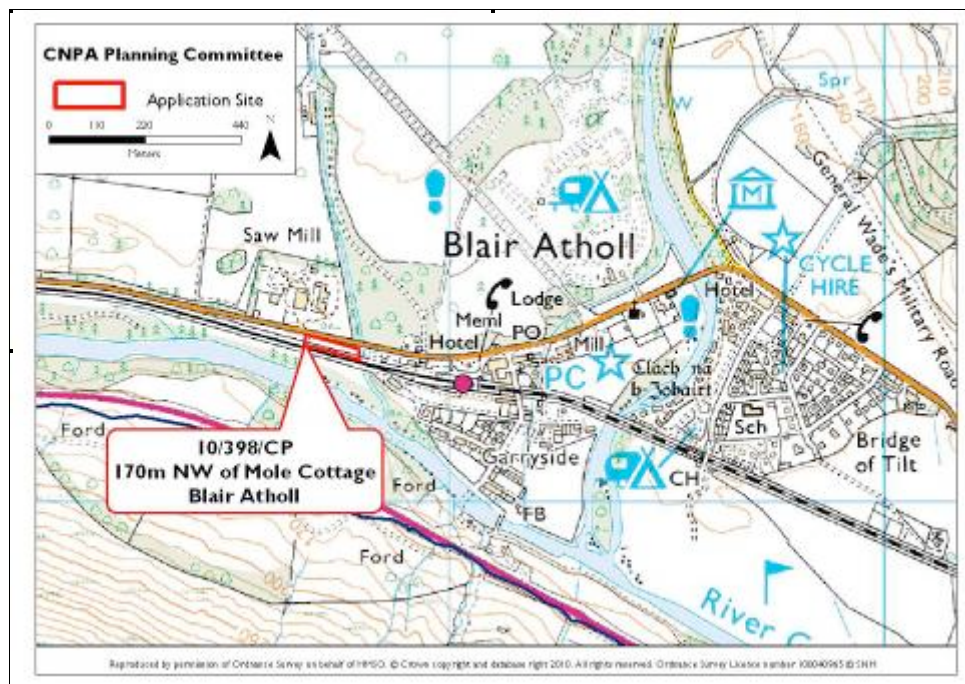
**DEVELOPMENT PROPOSED: ERECTION OF A DWELLING HOUSE AT LAND 170 METRES NORTH WEST OF MOLE COTTAGE, BLAIR ATHOLL**

**REFERENCE: 10/398/CP**

**APPLICANT: M. SCOTT KELLY PER WILLIAM MITCHELL-SMITH ARCHITECTS**

**DATE CALLED-IN: 12 NOVEMBER 2010**

**RECOMMENDATION: REFUSE**



**Fig. 1 - Location Plan**

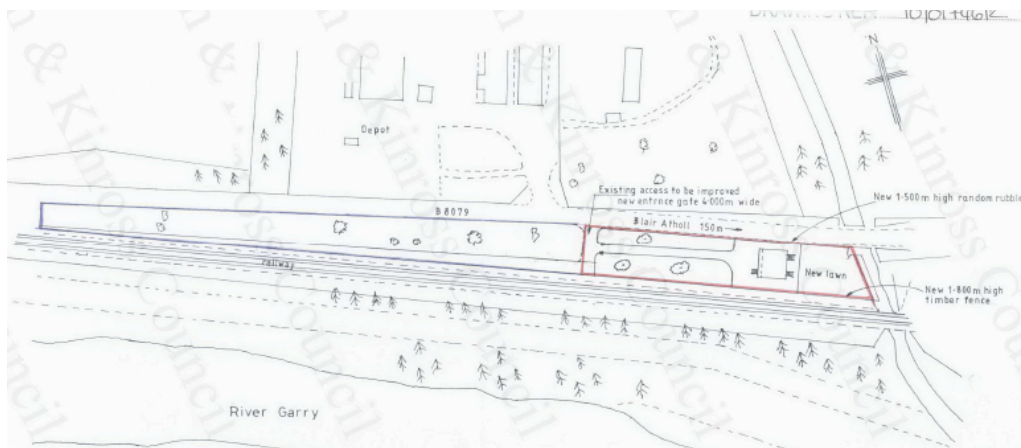
## SITE DESCRIPTION AND PROPOSAL

1. The application site is located 150m west of the entrance to Blair Atholl, immediately to the south of the B8079 road and the Industrial Estate. It comprises 2.6 hectares of overgrown scrubland interspersed with trees adjacent to the Perth railway line. The adjacent area is heavily wooded forming a general backdrop to the site; the River Garry is further southwards. An informal track/pathway runs through the site parallel with the railway line, where an abandoned caravan is also prominent (enforcement investigation is currently underway).



**Fig. 2 & 3 - View looking into site from east to west respectively**

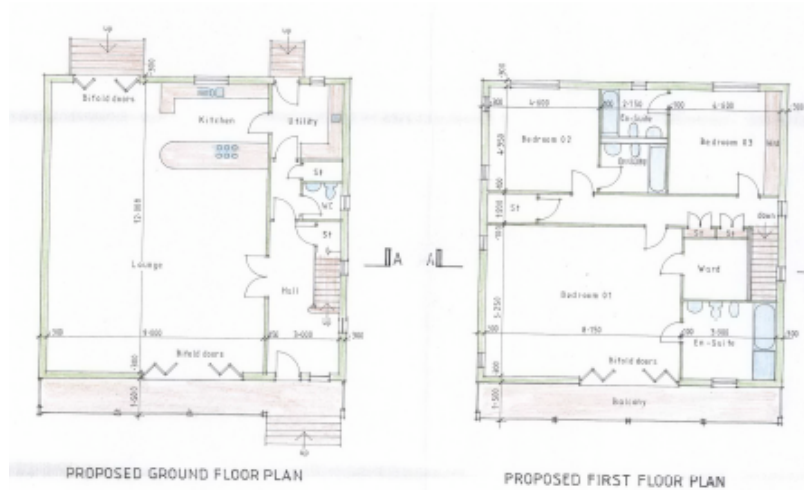
2. Planning permission is sought for the erection of a 3 bedroomed dwellinghouse on the eastern part of the site; this would be a 2 storey building, (approximately 7.5m width x 8.5m length x 6.5m height) finished of white roughcast, with vertical cedar cladding and a slate roof. The principal elevation would feature balconies on both ground floor and first floor levels. It is proposed to utilise the existing access from the B8079, which would be upgraded, while car parking would be provided for 3 cars. The garden ground would be bounded by a timber fence and a 1.5m random rubble wall. In terms of services, it is indicated that foul drainage is to be provided via a private system and water by the public water supply. Surface water run-off would be via a soakaway. A number of trees would also require to be felled.



**Fig. 4- Site Location Plan**



**Fig. 5 - House Elevations**



**Fig. 6- Floorplans**

**DEVELOPMENT PLAN CONTEXT**

- Part 2, Section 25 of the Planning etc (Scotland) Act 2006, requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Cairngorms National Park Local Plan does not cover the Perth & Kinross area of the Park. Consequently it is the Perth & Kinross Highland Area Local Plan 2000 that is being used as the basis for planning determinations, along with the Perth & Kinross Structure Plan 2003. The National Park Plan also predates the expansion and therefore does not cover the new area of the National Park.

## National policy

4. **Scottish Planning Policy (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
  - The constraints and requirements that planning imposes should be necessary and proportionate;
  - The system should .....allow issues of contention and controversy to be identified and tackled quickly and smoothly; and
  - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
5. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes 'subject policies', of which many are applicable to the proposed development. Topics include rural development, flooding and landscape. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
6. Rural development : Para. 92 of **Scottish Planning Policy** states in relation to rural development that the "aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality." All new development is required to respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards.
7. Flooding : Para. 197 requires that development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere should not be permitted. Developers and planning authorities should take a precautionary approach in taking decisions when flood risk is an issue.
8. Landscape and natural heritage : The **Scottish Planning Policy** document recognises the value and importance of Scotland's landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.
9. **Scottish Planning Policy** concludes with a section entitled 'Outcomes' in which it is stated that the "planning system should be outcome focused,

supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets.” Planning authorities are required to be clear about the standard of development that is required. Quality of place not only refers to buildings, but also how the buildings work together as well as the relationships between buildings and spaces. Design is highlighted as an important consideration and planning permission may be refused solely on design grounds. Finally it is stated that the planning system should be “judged by the extent to which it maintains and creates places where people want to live, work and spend time.”

## **Strategic Policy**

### **Cairngorms National Park Plan 2007**

10. The **Cairngorms National Park Plan** sets out the strategic objectives for the Park under three headings – (i) conserving and enhancing the Park; (ii) living and working in the Park; and (iii) enjoying and understanding the Park.
11. In relation to **conserving and enhancing the Park** the objectives set out in the Plan include maintaining and enhancing the distinctive landscapes across the Park and ensuring that development complements and enhances the landscape character of the Park. The Plan also requires that new development in settlements and in surrounding areas should complement and enhance the character, pattern and local identity of the built and historic environment.
12. Under the heading of **Living and Working in the Park**, the Park Plan includes a specific section on Housing. Objectives include increasing the accessibility of rented and owned housing to meet the current and future needs of communities throughout the Park and ensuring that there is effective land and investment for market and affordable housing to meet the economic and social needs of communities throughout the Park.

## **Structure Plan**

### **Perth & Kinross Structure Plan (2003)**

13. The Perth & Kinross Structure Plan (Approved June 2003) includes a strategy that recognises that Perth and Kinross is a diverse area of lowland and upland, with a city and a number of small towns and villages, and a mix of accessible and remote areas. The strategy for the Upland Area encourages most development to take place in the former burghs and large villages with good transport links to Perth, allowing for small-scale housing where it supports fragile communities, is necessary for economic development and does not conflict with environmental objectives. It also calls for the safeguarding of nationally and locally important natural and cultural resources.
14. **Sustainable Communities Policy 7** states that in the Upland area, Local Plans will develop housing in the countryside policies for rural housing which

reflects the need to support the rural economy. This should require new houses to be well sited and of a scale and standard of design appropriate to their location.

15. **Environment and Resources Policy 8** states that the Council will seek to ensure that the rich and varied cultural heritage resources of Perth and Kinross are recognised, recorded, protected and enhanced as appropriate. New development which would adversely affect Listed Buildings, Conservation Areas, Scheduled Ancient Monuments, Historic Gardens and Designed Landscapes or their settings will not be permitted.
16. **Environment and Resources Policy 9** contains a presumption against development in areas where there is a significant probability of flooding.

### **Local Plan Policy**

#### **The Perth & Kinross Highland Area Local Plan 2000**

17. The site is outwith the settlement boundary of Blair Atholl in an area designated as Historic Gardens and Designed Landscapes in the Perth & Kinross Highland Local Plan 2000.
18. **Sustainable Development Policy 1** states that, where possible, development is carried out in a manner in keeping with the goal of sustainable development.
19. **Development Criteria Policy 2** requires that all development be capable of being absorbed by the landscape, if necessary by screening the development, and where appropriate opportunities for landscape enhancement will be sought. All development should have regard to the scale, form, colour and density of the locality and all built development should, where possible be located in those settlements which are the subject of inset maps (Blair Atholl map 8).
20. **Landscape Policy 3** requires that development proposals should seek to conserve landscape features and sense of local identity, and to strengthen and enhance landscape character.
21. **Design Policy 5** requires high standards of design for all development in the Plan Area. In particular encouragement will be given to the use of appropriate and high quality materials, and innovative modern design whilst ensuring that the development fits its location. The design principles set out in the Council's Guidance on the Design of Houses in Rural Areas will be used as a guide for all development proposals.

22. **Private Drainage Policy 6** any proposals for individual private septic tanks, bio-disc units or similar treatment facilities will not normally be acceptable in settlements with public sewers or immediately adjacent to these areas.
23. **Flood Risk Policy 7** states that development in areas liable to flood, or where remedial measures would adversely affect flood risk elsewhere, will not normally be permitted.
24. **Designed Landscapes Policy 19** The Council will protect and seek to enhance Historic Gardens and Designed Landscapes.
25. **Public Access and Informal Recreation Policy 34** seeks to improve public access to the countryside and informal recreation provision for a wide range of users including people with disabilities, cyclists, walkers and horse riders throughout the Plan area.
26. **Transport Standards Policy 41** adequate provision for car parking, servicing and where appropriate public transport must be made in all new developments in accordance with the Council's standards.
27. **Development Adjacent to Settlements Policy 45** built development should not be located adjoining and outwith those settlements which are the subject of Inset maps.
28. **Housing in the Countryside Policy 54** The Council will normally only support proposals for the erection of individual houses in the countryside which fall into at least one of the following categories:
  - (a) Building Groups
  - (b) Renovation or Replacement of Houses
  - (c) Conversion or Replacement of Non-Domestic Buildings
  - (d) Operational Needs

## CONSULTATIONS

29. **Blair Atholl & Struan Community Council** state that they consider that the proposed dwelling house is out of character with the adjacent buildings in Blair Atholl, in terms of scale and style. They further add that it will be very obvious and will dominate the approach to a very attractive village, where all the buildings are of a similar size.
30. **Historic Scotland** highlight that the site lies within the boundary of the Blair Castle Designed Landscape. However it is well away from the castle and its important policies. Given this, and the existence of the industrial estate immediately adjacent, they have no objections. The integrity, understanding and appreciation of the designed landscape would not be affected to a significant degree.

31. **Scottish Environment Protection Agency (SEPA)** object to the proposal on flood risk grounds noting that based upon information contained within the Indicative River and Coastal Flood Map (Scotland) the application site (or parts of it) lie within the 1 in 200 year (0.5% annual probability) flood area and therefore it is at medium to high risk of flooding. SEPA comment that this objection can be removed if a Flood Risk Assessment (FRA) or other information is submitted in support of the application demonstrating that the proposal accords with the principles of Scottish Planning Policy - Flooding.
32. **Scottish Water** has no objections and confirms that no public sewers exist in the vicinity. A public water supply is available.
33. **Network Rail** object to the application highlighting that they have a right of access across the property.
34. **Scottish Natural Heritage** were consulted but have not returned comments.
35. **Perth & Kinross Council Transport Planning** has no objections but recommends conditions requiring car parking provision for 2 to 3 vehicles with capability to turn and exit the site in a forward gear.
36. **Perth & Kinross Council Education & Children's Services** has no capacity concerns for the Blair Atholl catchment area.
37. **Perth & Kinross Council Environmental Services** require a Noise Impact Assessment to be submitted due to the proximity to a railway line and industrial premises which could affect residential amenity. This assessment would be required to include possible mitigation measures if required. It is also highlighted that the former railway use may well have given rise to possible ground contamination; any grant of planning permission should be conditioned requiring the submission of a scheme to deal with any contamination found.
38. **Perth & Kinross Council Flooding Team** object to the application owing to flood risk concerns noting that the site is located within the Indicative River and Coastal Flood Map (Scotland) 1 in 200 year (0.5% annual probability) flood area and therefore it is at medium to high risk of flooding. They request that a Flood Risk Assessment is submitted.
39. The **CNPA Ecologist** recommends that a flora and fauna survey is undertaken of the area.

## **REPRESENTATIONS**

40. The application was advertised in the Perthshire Advertiser on the 19<sup>th</sup> October 2010 and no representations have been received.



## APPRAISAL

41. In determining this planning application regard is to be had to the development plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The current statutory plans are those listed above, with the planning policy applicable outlined in paragraphs 3 – 25 of this report. This application is for a single dwelling house outwith but adjacent to a settlement in an area designated as Historic Gardens and Designed Landscapes; this raises a number of issues regarding planning policy, precedent and the aims of the National Park. A number of other technical matters including residential amenity, flooding and landscape impact also need to be taken into account.
42. As detailed in earlier sections of this report, the newly adopted Cairngorms National Park Local Plan and the Park Plan are not operable within the Perth & Kinross area of the Park; therefore the Perth & Kinross Highland Area Local Plan, and the aims of the National Park are the main determinants in this planning application.

### Principle of Development

43. The site is located outwith the settlement boundary of Blair Atholl in a rural area designated as Historic Gardens and Designed Landscapes in the Local Plan. The proposal, given its location, is not generally consistent with national guidance which directs development towards sites within existing settlements where possible. In terms of national planning policy on rural development, there is a clear intention to avoid the suburbanisation of the Scottish countryside. Scottish Planning Policy accepts some development in rural areas where it would maintain and improve the viability of communities and support rural businesses. However, no case has been advanced in support of this planning application to demonstrate that the proposed dwelling would support a rural business, a land management use or any other operational requirement. No information has been provided to justify the need for a house in this rural location outwith but adjacent to the settlement boundary of Blair Atholl.
44. In assessing the current proposal against planning policy, it fails to provide sufficient justification to set aside the key policy tests, including 'Development Criteria' Policy 2 of the Highland Area Local Plan, which requires that all developments be located in a defined settlement, and Local Plan Policy 45 'Development Adjacent to Settlements' which states that development should not be located adjoining and outwith settlements. In general terms, the application fails to demonstrate the need for a house in a rural location, which requires amongst other things for a house to be for an operational need.

## Landscape and Design

45. In terms of landscape, the visual impact of the house would be relatively contained, given its proposed position next to the industrial estate and adjacent to the woodland. It is recognised that the proposed house would not have any significant impact on the Historic Gardens and Designed Landscapes designation. However it is important to stress that the proposed siting conflicts with the existing settlement pattern, in that the site is generally divorced from Blair Atholl.
46. The design of the house does not accord with planning policy which requires a high standard of design in-keeping with the more traditional image of Blair Atholl, albeit it is recognised that a number of modern designs are evident in the area. However, the design of this dwelling has very little connection to the character of existing area, the white roughcast render and timber clad finish presents a house type that is suburban in appearance. The design does not contribute, complement or enhance the character, pattern and local identity of the built and historic environment as required by planning policy. Consequently, it is also recommended that the proposal is also rejected on the basis of poor design. Scottish Planning Policy also seeks to achieve high design and environmental standards for all development; it is considered that the proposal fails to achieve this.

## Technical Issues

47. The site is located close to the River Garry. As noted from the consultations section of the report, Perth & Kinross Councils Flood Team and SEPA have both objected on flood risk grounds considering that the site has a medium to high risk of flooding and that to allow development may place property and/or persons at serious risk. Both consultations highlight that they may be able to remove their objections if a Flood Risk Assessment is submitted. However, given that the proposal in principle is contrary to policy, their concerns in relation to flooding results in a further reason for refusal.
48. In terms of the requirement from Perth & Kinross Councils Environmental Health Team for a Noise Impact Assessment to establish whether a suitable level of residential amenity can be achieved, it is again unclear from a lack of information whether the proximity of the industrial estate and railway line would pose a problem. Again, given the proposal is contrary to policy, and this information has not been supplied, it is considered that residential amenity concerns should be a further reason for refusal of the application.

## **Conclusion**

49. In conclusion, the proposal is clearly contrary to development plan policies, resulting in an unjustified dwelling house outside but adjacent to a settlement in the National Park. A dwelling in this area would be contrary to the character and pattern of development in the area, while several unresolved technical issues further represent constraints against development of this site. Therefore, it is recommended that the proposal be refused on planning policy, precedent, flooding, design and residential amenity grounds.

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

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

50. The proposal would be detrimental to the existing pattern and character of development outwith the settlement boundary of Blair Atholl and the design of the house fails to reflect the general character and design of houses in the area. Consequently, the proposal is not considered to contribute to this aim.

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

51. There is no information regarding the source of materials or whether any particular energy saving measures would be included within the proposal.

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

52. Some limited and informal public access is thought to take place in the site, providing a walkway alongside the railway line, development of the dwellinghouse would therefore inhibit this informal access, with potential consequences for the understanding and enjoyment of the area.

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

53. The proposal would provide additional housing. However, this should be provided in a planned manor in accordance with development plan policies rather than being approved in an ad hoc manner on the basis of individual applications.

## RECOMMENDATION

**54. That Members of the Planning Committee support a recommendation to REFUSE PLANNING PERMISSION for the erection of a dwelling house at land 170 metres north west of Mole Cottage, Blair Atholl for the following reasons:**

1. The proposed development is contrary to national planning policy as expressed in Scottish Planning Policy (February 2010) which directs development towards sites within existing settlements (para. 80). It would also be contrary to Policy 2 Development Criteria, and Policy 45 Development Adjacent to Settlements of the Perth & Kinross Highland Area Local Plan 2000, all of which restrict new houses outwith the settlement boundary unless there are particular circumstances and special needs in relation to land management. It has not been demonstrated that the proposed dwelling is required for the purposes of land management or an operational need. If approved, the development would set a precedent for further unjustified development of this nature and would encourage 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.
2. The site has a risk of flooding and no flood risk assessment has been submitted to allow the development which may place persons or property at risk of flooding contrary to the advice of SEPA and Perth & Kinross Council Flood Team, contrary to the advice of Scottish Planning Policy: Planning and Drainage, Perth & Kinross Structure Plan 2003 Policy 9 Environment and Resources Policy and Policy 7 Flood Risk of the Perth & Kinross Highland Area Local Plan 2000.
3. The proposal is contrary to the requirements of Policy 7 Sustainable Communities of the Perth & Kinross Structure Plan 2003. The siting and design of the house fails to complement and enhance the character, settlement pattern and be of a standard of design appropriate to its location, contrary to the requirements set out in Policy 2 Development Criteria of the Perth & Kinross Highland Area Local Plan 2000.
4. The proposal fails to demonstrate that an adequate level of residential amenity can be provided at the site contrary to Policy 2 Design Criteria of the Perth & Kinross Highland Area Local Plan 2000 which requires development to be compatible with its surroundings.

Robert Grant

**24 January 2010**

[planning@cairngorms.co.uk](mailto: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.