
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: ERECTION OF DWELLINGHOUSE AND GARAGE AT SITE ADJACENT TO 'THE BRAE', LETHENDRY, CROMDALE

REFERENCE: 04/139/CP

APPLICANT: MR & MRS EWING, THE BRAE,
LETHENDRY, CROMDALE

DATE CALLED-IN: 26 MARCH 2004

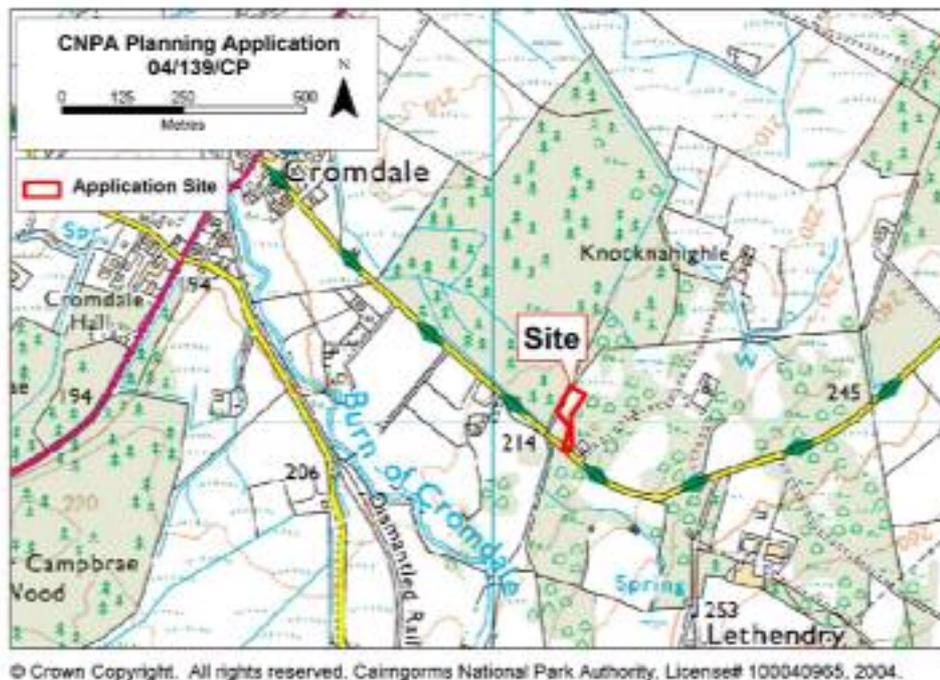


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This application is for an outline planning consent to build a new house at the site between the applicants' existing house, The Brae, and the commercial woodland plantation to the northwest of the applicants' house. Another house (Birchview) exists to the rear of The Brae, and a bungalow (Goose Green) is situated across the public road (that goes between Cromdale and Dalvey). At present, the site is a wild natural area which is well covered with trees. The applicants describe it as existing mature dense woodland, with an open area towards the northern corner. From the public roadside edge, the ground drops to a lower and marshy area. The open area is slightly higher and in part sloping up to the north east corner of the site which is well treed. The application site and the siting for the house and garage is largely in this open area of ground. The remainder of the treed area appears to be retained by the applicants, and is not part of the application site for the new house apart from an access strip through the trees.

DEVELOPMENT PLAN CONTEXT

2. **Highland Structure Plan Policy H3 (Housing in the Countryside)** states that new 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. **Policy L4 (Landscape Character)**, states that the Council will have regard to the desirability of maintaining and enhancing the 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); impact on resources including habitats, landscape, scenery etc.
3. **The Badenoch and Strathspey Local Plan Policy 2.1.2.3 for Restricted Countryside Areas**, has a strong presumption against the development of houses in all sensitive areas. Exceptions will only be made where a house is essential for the management of land, related family and occupational reasons. Restrictions on the subsequent occupancy of such houses will be enforced, and adherence to the principles of good siting and design will be required. The current application site lies within the Restricted Countryside policy area, but close to General Countryside policy areas. **Policy 2.1.2.1 for General Countryside Areas** accepts new housing subject to a number of siting, design, infrastructure and landscaping criteria. **Policy 2.5.4, on Woodlands and Trees**, states that the Council will protect existing trees and established woodland area including small groups of trees or individual granny pines which are important landscape, wildlife and amenity features of the countryside. These include semi-natural woodland areas, and measures to ensure their continuity and regeneration are encouraged. The policy advises that development should not be sited within 20 metres of the trunks of large or

mature trees and careful consideration needs to be given to the effect of related access and services provided as part of the development, to the stability of the trees. The site is not far (approx 0.7km) from the small settlement of Cromdale, where the Local Plan has identified a number of sites for new housing development.

4. Highland Council's **Development Plan Policy Guidelines (April 2003)** provides more detailed guidance on the interpretation of specific policies contained in the 1997 Local Plan, in the light of the subsequently approved Structure Plan of 2001. This document states that new housing within the open countryside will be exceptional, and will only be permitted (in accordance with National Guidance and the approved Structure Plan policy) where, amongst other specific circumstances, it is required for the management of land, or it is required for family purposes related to the management of land (retired farmers and their spouses).

CONSULTATIONS

5. **Highland Council Area Roads and Community Works Manager** advises the provision of a combined service bay/passing place at the site access (24 metres in length and not less than 2.5 metres wide). Visibility splays of 2.5m by 90m to the south east direction, and 120m towards Cromdale should be provided. Other details relating to parking provision on site, access gradients, gates and the culverting of the roadside ditch are covered.
6. **The CNPA Visitor Services and Recreation Group** have commented that this section of the Speyside Way passing the site has been a temporary diversion - soon to revert to the disused railway line route. New houses being built adjacent to a Long Distance Route have not been an issue to date, and indeed is commonplace throughout the route, both within the countryside and the built environment.
7. **The Cromdale and Advie Community Council** was consulted, and has indicated some reservations about more sporadic housing in the rural area - preferring new developments to be located at existing settlements. They are also concerned about more properties taking access to the minor road, about poor drainage on the site, and the effect of the development on neighbouring properties.
8. **Highland Council's Building Control Service** has advised, verbally, that from experience, it is known that this area does have some problems in relation to private drainage systems. The ground is characterised by a sandy clay sub-soil and therefore some properties have required oversized soakaways. In addition to this, they have advised that they now seek full details of percolation tests to be submitted from a suitably qualified person on behalf of applicants. Previously, the Building Control Officers carried out inspections of test pits. In this area, they would have concerns about a soakaway proposal if full details of percolation tests have not been submitted.

REPRESENTATIONS

9. The application has been advertised by Highland Council as “Not in Accordance with the Provisions of the Development Plan”. One letter has been received from a neighbour. This letter has raised issues of poor drainage at the application site (the area already taking drainage from existing adjacent sites), the affect on the value of neighbouring properties, another refusal in the locality for a commercial enterprise, and the precedent that would be set for other similar developments in the area.
10. A copy of this letter and the letter from the Community Council are attached for the consideration of the Committee.

APPRAISAL

11. The principal issues relevant to this application are, whether such a proposal meets any of the policy exceptions that would allow for a new house in the countryside, whether the proposed development could physically be accommodated on this site, whether there are any special characteristics of this site that would be harmed from the development and whether the site can be adequately drained.
12. Several attempts to contact the applicant, both by letter and telephone, have been made. However, no response has been given. The applicants have therefore not indicated that there is a particular need for a house on this site that relates to local land management. The application plans do not indicate that there is any land in the ownership of the applicant other than that associated with the curtilage of The Brae. The house therefore does not fit within the exceptions to a general presumption against new single houses in the countryside as set out in Structure and Local Plan policies.
13. There are a number of new houses along this narrow minor road, and there are several passing places existing along the road between Cromdale and the application site. Advice from the Roads Department does not include any advice about the incremental increase in traffic that new properties would make to this minor road. For a similar new house application near Laggan (subsequently withdrawn) Roads were concerned about the increase in traffic that new houses would bring to minor rural roads, and the increased maintenance issues that arose. This road from Cromdale to Dalvey is indicated on up-to-date OS maps as part of the Speyside Way, a long distance route of some importance. Visitor Services and Recreation Group have indicated that this has been a temporary diversion and that they do not believe that there will be any adverse affect on the quality of the route. However the route will continue to be marked on OS maps, and will provide an attractive alternative routing. A significant increase in traffic on this minor roadway of limited capacity, is likely to make such a recreational route, for pedestrians and cyclists, less safe and attractive.

14. In order for development to take place on the site, a number of physical changes would have to be made to the site. Firstly the ground level for the site access, the service bay/passing place, and for the initial length of the driveway would have to be made up significantly. Trees would have to be felled for constructing these features, for the provision of adequate visibility splays (over some distance in either direction and possibly including some of the commercial woodland outwith the applicants control), and for the routing of the driveway. The up-making of the ground would affect the roots of other trees adjacent (and their viability) not initially felled for the construction works or the drive itself.
15. The natural treed character of this area provides an attractive and practical (for local wildlife) buffer area. To build another new house in the more open part of the deciduous woodland area, would diminish the quality and integrity of this semi-natural woodland. For a broad diversity of wildlife species to benefit from such areas, some open areas and wet areas are important and valuable elements. The increased flow of surface water drainage and treated septic tank effluent into the marshy treed area may affect the future vitality of the remaining woodland which is a valuable feature in its own right, is a valuable wildlife habitat, and provides a semi-natural setting for the other houses in the locality.
16. In addition to the above, there is the issue of drainage. A chartered architect (approved certifier for percolation testing on Highland Council's list), acting for the applicants, has confirmed that he inspected suitably sized test pits in the location of the proposed soakaway, and that **the applicant** observed the test inspection holes, clearing within reasonable time periods (ranging from 4 to 5 and a half hours). He also confirms that there was no evidence of the current water table or any peat or underground watercourses. Existing properties in the area have required oversized soakaways to cope but to his knowledge, he believes they have performed adequately. The architect has therefore stated that, on what he has been able to observe, the ground is suitable for a septic tank and soakaway pit if carefully designed for the sandy/clay ground conditions. This, however, is not enough to demonstrate that foul drainage can be adequately provided on site, without the potential for pollution, contamination of localised flooding. This is especially so, bearing in mind, the nature of the ground conditions in the area. It may well be that an adequate solution, which complies with the building regulations, can be achieved, but until such time as a full report on percolation tests, which also indicates a design for the soakaway, is provided, a precautionary approach is required.
17. To conclude, no justification has been put forward for this house which is proposed in a Restricted Countryside Area. To permit the house would also have detrimental impacts on the semi-natural woodland setting in this location which would make the area less attractive and the applicants have failed, at present, to demonstrate that the foul water drainage proposals will not cause the potential for pollution. As such the proposal fails to comply with planning policy.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

18. Sporadic housing development in the countryside, which is unrelated to an essential land or livestock management purpose, can be harmful to the landscape character of the countryside. Unrestricted development of non-essential housing can change the heritage of the area in a negative manner.

Promote Sustainable Use of Natural Resources

19. There are no positive implications arising from this development. There will be a loss of semi-natural woodland, currently a valuable local natural resource.

Promote Understanding and Enjoyment of the Area

20. Potentially, with the increase of traffic generated by the development on this designated rural route (a temporary alternative route in the Speyside Way) there could be a reduction in the enjoyment that recreational users of this section of the route experience.

Promote Sustainable Economic and Social Development of the Area

21. The development of a new house in the countryside, which is not related to adjacent land or livestock management is not sustainable in that it will rely on services - schools, shops, post, health, energy etc. - at some distance from the site, not accessible by public transport at the site. General housing needs can be more positively provided under this objective, through developing sites in recognised community centres and settlements.

RECOMMENDATION

That Members of the Committee support a recommendation to:

Refuse to Grant Outline Planning Consent for the Erection of a Dwellinghouse adjacent to 'The Brae', Lethendry, Cromdale, for the following reasons;

- i. That the development is contrary to the Highland Structure Plan, 2001, Policy H3 for Housing in the Countryside, which aims to protect the general countryside from sporadic, non-essential housing developments. The applicants have failed to demonstrate that the proposal for the new house is required for, or related to any land management in this area. If approved, the proposal would encourage other isolated and sporadic developments in the countryside to the detriment of the character of the countryside and the amenity of this part of the National Park area.

- ii. That the proposal is contrary to the Badenoch and Strathspey Local Plan, 1997, Policy 2.1.2.3 covering Restricted Countryside Areas, where there is a strong presumption against the development of houses, other than in exceptional circumstances. The proposed development fails to meet any of the exceptional circumstances, and if approved would encourage other visible sporadic developments along minor roads, in semi-natural woodland, all to the detriment of the character of the countryside and the amenity of this part of the National Park area.

- iii. That the proposed development, in an area of semi-natural woodland, would result in physical pressures for the removal of a significant number of trees and areas of woodland in order to develop the house, and its garaging, access, driveway, drainage facilities and garden areas, to the detriment of the quality and character of the local landscape, contrary to Highland Structure Plan Policies L4 (Landscape Character) and G2 (Design for Sustainability) and Badenoch and Strathspey Local Plan Policy 2.5.4 (Woodlands and Trees).

- iv. The applicant has failed to demonstrate that the site can be adequately drained from foul and surface waters without the potential for contamination, pollution or localised flooding. To permit the proposal would be to the detriment of public health and amenity.

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