
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: DEREK MANSON, PLANNING OFFICER (DEVELOPMENT MANAGEMENT)

DEVELOPMENT PROPOSED: ERECTION OF HOUSE ON LAND 850M SOUTH WEST OF WESTER RYNABALLACH, CROMDALE (APPLICATION FOR PLANNING PERMISSION)

REFERENCE: 09/300/CP

APPLICANT: MR AND MRS MCCONACHIE, C/O HIGHLAND PLANNING, QUEBEC BRIDGE, TAIN

DATE CALLED-IN: 2 OCTOBER 2009

RECOMMENDATION: REFUSAL

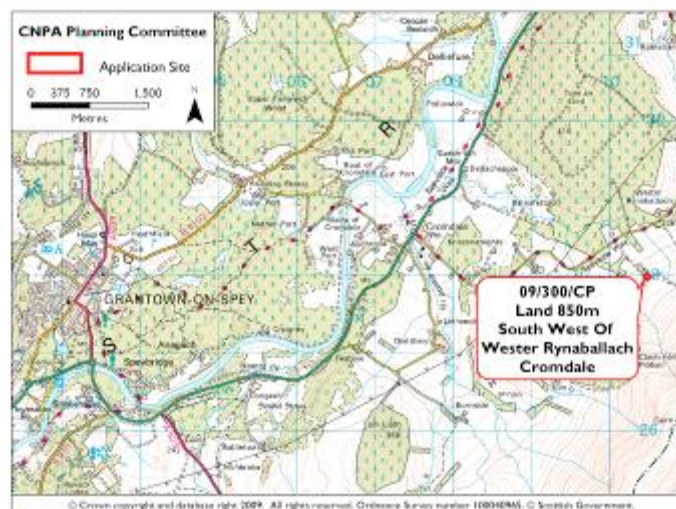


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site is on the north-west facing slopes of the Cromdale Hills. It is located within a shelterbelt roughly 700m above the public road at an altitude of approximately 330m. The trees on the site range from approximately 5m to 8m tall. The site is accessed via an unsurfaced but prominent track which runs up the southern side of the shelterbelt from the public road.
2. The development proposed is a one and a half storey 5-bedroom house with a integral double garage, tarmac driveway, hard-standing and a 9.5m wind turbine, although there has not been any details submitted for the wind turbine. The house finish is roughcast and natural stone (one wall) with grey tiles or slates on the roof. It is proposed to have three solar panels positioned on the garage roof to provide hot water. The water supply for the house is to be extracted from a spring 1km or so to the north of the proposed site. The site is to be cut into the existing shelterbelt woodland involving the clear-felling of an area of approx 60m x 30m. It is proposed to cut and fill to level the site. However, the supporting sections show that the applicant is only cutting into the slope.
3. The applicants have specified that they have owned and farmed the land surrounding the site for over 45 years and are hoping to build the proposed dwellinghouse for semi-retirement purposes whilst still maintaining an active part in the farm. They have submitted a supporting statement to show the other buildings on the farm holding and reasons why these cannot be developed. This is shown in Appendix one of the report.



Fig. 2- Access to the site



Fig. 3- House site to the rear of the shelterbelt



Fig.4 – View of the site of the house



Fig. 5- View of site looking back towards the public road.



Figure. 6- Location and Layout Proposed



Fig. 7- Elevations/Floor Plan

DEVELOPMENT PLAN CONTEXT

Highland Structure Plan (approved March 2001)

4. **Policy H3** states that housing will generally be within existing and planned new settlements. New housing in the open countryside will not be permitted unless it can be demonstrated that it is required for the management of land and related family purposes. This is to strengthen the role of the existing settlements and to safeguard the character of the countryside for both residents and visitors. In areas where communities are experiencing difficulty in maintaining population and services some housing may be acceptable.
5. **Policy L4 Landscape Character**, states that the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.
6. **Policy G2 Design for Sustainability**, lists a number of criteria on which proposed developments will be assessed. These include compatibility with service provision (water and sewerage, drainage, roads, schools, electricity); accessibility by public transport, cycling, walking and car; maximisation of energy efficiency in

terms of location, layout and design (including the utilisation of renewable energy sources); and impacts on resources such as habitats, species, landscape and cultural heritage.

Badenoch and Strathspey Local Plan (September 1997)

7. **Policy 2.1.2.3 for Restricted Countryside Areas.** This policy has a strong presumption against the development of new houses. 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 site lies within a restricted countryside area.
8. **Policy 2.1.2. (Housing in the Countryside)** states that single houses outwith recognised settlements will require to be compatible with the scale and character of local buildings where appropriate, properly located in harmony with the landscape, and designed to a high standard with particular emphasis on proportions, roof pitch, fenestration and selection of materials.
9. **Highland Council's Development Plan Policy Guidelines (April 2003)** provide more detailed guidance on the interpretation of specific policies contained in the 1997 Local Plan, in 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 where 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). It states that any proposal must demonstrate that a sequential approach to identification of the need for that house has been followed. This will require consideration of alternatives such as the potential to use existing accommodation in the area or the renovation or replacement of an existing house. Any approval granted on the basis of exceptions related to the management of land and related family purposes will be subject to an occupancy condition. This is discussed in the appraisal section of the report.

Cairngorms National Park Plan 2007

10. Highlights the special qualities of the Cairngorms, stating that the "Cairngorms is widely recognised and valued as an outstanding environment which people enjoy in many different ways." It recognises that there is a wide diversity of landscape, land-uses, management and community priorities across different parts of the Park. In a section entitled 'Living and Working in the Park' the subject of 'housing' is explored. The Plan refers to the need to ensure greater access to affordable and good quality housing in order to help create and maintain sustainable communities as one of the key challenges in the National Park. Reference is also made to the quality and design of new housing which is expected to meet high standards of water and energy efficiency and sustainable design and also to be consistent with or enhance the special qualities of the Park through careful design and siting.

11. The plan also seeks to ensure that development complements and enhances the landscape character of the Park. The Plan goes on to consider that new development in settlements and surrounding areas should complement and enhance the character, pattern and local identity of the built and historic environment.

CONSULTATIONS

12. The **CNPA Landscape Officer** has **objected** to the proposals and has commented that located on the exposed foot slopes of the Cromdale Hills, the proposed development would be in marked contrast to the prevailing open and dramatic landscape character of this part of the park. The Landscape Officer has identified several key landscape issues shown in the bullet points below:-
 - The adverse effect on landscape character arising from the introduction of a building and associated development into a landscape currently characterised by its openness and exposure and by an absence of dwellings or other built forms
 - The adverse effect on landscape character arising from the introduction of night time lighting onto slopes which are currently without lights and form a backdrop to much of the surrounding area.
 - The landscape and visual intrusion arising from the formalisation and upgrading of the access track
13. The Landscape Officer has said that the proposed development would not complement nor enhance the landscape character of the National Park, and would have an adverse effect on the experience of the Cromdale Hills as a distinctive and important upland area within the Park.
14. **Highland Council Area Roads Manager** recommends that a number of conditions are attached prior to any other work starting in connection with the proposed development.
15. **Highland Council Environmental Health** section has commented upon the proposals pointing out that the applicant should supply the Planning Authority with evidence to show that the proposed water supply will be adequate for the proposal. A report from a suitably qualified professional may be required including details of the source, the flow rate, an assessment of the sufficiency of the supply for the proposed development and any existing uses, the proposed distribution system and a statement to the effect that the supply will be installed in line with current byelaws.

REPRESENTATIONS

16. The proposal was advertised in the Strathspey and Badenoch Herald on 23rd September 2009 and no representations have been received.

APPRAISAL

Introduction

17. This is a planning application for a single house in an area of Restricted Countryside as identified in the Badenoch and Strathspey Local Plan. Consequently, the proposal raises a number of principle and detailed issues. The main principle relates to whether the location of the dwelling accords with policy in terms of where planning policy seeks to direct development to and the basis for a land management justification. Issues relating to landscape and design and access and drainage will subsequently be considered.

Principle

18. This application was called-in because it was considered to raise a number of issues of significance with regard to Park aims. A major part of the reason was because the site is located within a Restricted Countryside Area in the Badenoch and Strathspey Local Plan which presumes against new housing unless there is a land management justification. There was also concern that the granting of permission for such houses would set a precedent for further proposals of this nature.
19. The applicant has claimed that there is a land management justification with this proposal based on the fact that the applicants are retiring farmers. The applicants have stated in their supporting information that *“the house is intended for the use of a retiring farmer and his wife. It is located on the upper slopes of his farm and his hope was to pass on the wider responsibilities on the farm to his children while he wound down his activity be tending only to a limited number of grazing stock on the hillside. At present there are 80 breeding cattle but this has been cut back from 160 breeding cattle and all stirks were kept through for killing. They also until recently had 500 sheep and 1000 wintering hogs so it is envisaged that once a member of the family takes over the farm, they would increase the livestock back to these figures as the farm can cope with it, however it has only been reduced as Mr McConachie has been cutting back because of his age and he is not fit to do the work himself. Three members of the family also help at weekends, holidays and at the sales as it’s too much just for himself. Mr and Mrs McConachie have three of a family”*.
20. They have submitted an agricultural map showing the land in their ownership and show four other houses which are on their land including the farm house which they live in now. For each property the applicants have supplied a justification as to why the property cannot be used as a retirement house. The reasons which are supplied include
 - this property is in need of renovation but has been allocated to a member of the family
 - this property has been let out on full tenancy and the present occupiers have been there for over 15 years.

As the applicants have demonstrated in the supporting information, there is existing accommodation on the farm under the applicants control which could in theory be used as a retirement house without the need to build an additional

house on the farm and the justification for not using the properties indicated on the supporting information is a personal choice and not considered to be legitimate planning reasons. Therefore, it has not been satisfactorily demonstrated that a sequential approach to the identification of the need for that house has been followed and that there is a sufficient land management justification for a new house to be built when there are existing properties available for the applicant to use.

Landscape and Design

21. The applicants have stated in their supporting information that *“the house location was chosen especially for its lack of visual intrusiveness, hidden away as it is in a strip of mature woodland. It was considered an ideal location in terms of minimal impact on the setting of the National Park whilst falling in line with the spirit of the Park’s operation which recognises the need for individuals to continue to live and work within its boundaries”*
22. However, the CNPA Landscape Officer has expressed strong concerns about the effects of the proposal on the local landscape character. While in visual impact terms the house may be relatively hidden from the public road by the shelter belt trees the house would be visible to those walking in the hills above and is not considered to complement nor enhance the landscape character of the National Park. From this response it is clear that the proposal would have a detrimental landscape impact and accordingly an objection is raised on this basis. In addition to this whilst the proposal would currently be situated behind the shelterbelt there would be no control over the retention of this shelterbelt and if subsequently this shelterbelt was removed it would make any house in this location very prominent and have a detrimental effect on the landscape character.
23. The design of the house utilises a wide footprint and has very little connection to the character of existing properties in the area. The integral garage, beige roughcast render finish all depart from the simpler forms and finishes that are prevalent in the area. The design does not contribute, complement or enhance the character, pattern and local identity of the built and historic environment as required by the National Park Plan. Consequently, the proposal is also rejected on the basis of poor design.

Technical Issues

25. Drainage is to be via a septic tank to a soakaway. This would be a normal manner in which to deal with the drainage at locations that are not served by the public system.
26. In terms of water supply Highland Council Environmental Health has pointed out that the applicant should supply the Planning Authority with evidence to show that the proposed supply will be adequate for the proposal. A range of conditions are also suggested with regard to construction.

27. Highland Council Area Roads Manager has recommended a number of highways related planning conditions should consent be granted. The Area Manager points out that the site should be free from a 1 in 200 years flood event.
28. The applicants have also stated in their supporting information that they are unwilling to enter into a Section 75 agreement. They state that *“this decision should not be regarded in any way as lessening the genuine nature of the agricultural occupancy which is proposed. It is merely the applicant not wishing to enter into what he regards to be an onerous legal burden which would present an otherwise avoidable worry on top of the already highly unpredictable fortunes of the farming industry. Given the unforeseeable length of ‘retirement’, an occupancy agreement could also pose future inheritance problems on his family”*. The applicants instead have requested that a planning condition is applied to this proposal tying the occupancy of the house to the applicant, his family, or any other worker on the farming unit. However, since the land management justification is insufficient and the landscape impact and design of the house cannot be supported then this issue does not need to be considered in detail. It has been normal practice in the past that Section 75 agreements have been used rather than planning conditions to ensure the appropriate use of the house in relation to the farm and that it cannot be separated from the farm holding and sold as an individual house in the countryside.

IMPLICATIONS FOR THE AIMS OF THE PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

30. The proposal would be detrimental to the existing pattern and character of development 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 fulfil this aim.

Promote Sustainable Use of Natural Resources

31. There is no evidence regarding the source of materials. There is a proposed wind turbine and solar panels which would go some way to satisfying the sustainable requirements. Approval of a house on an isolated site would emphasise the use of the private car as a means of transport.

Promote Understanding and Enjoyment

32. The proposal has no particular relevance to this aim.

Promote Sustainable Economic and Social Development

33. 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.

Conclusion

34. The proposal is clearly contrary to development plan policies as it has not been sufficiently demonstrated that there is a land management justification given that there are other houses on the farm which could potentially be utilised. The location of a house in this area would be contrary to the character and pattern of development in the area and would have a negative impact on the landscape character of the National Park. Therefore, it is recommended that the proposal be refused on insufficient justification on land management ground as well as landscape and design grounds.

RECOMMENDATION

- 35. It is recommended to Members of the Committee that the application for Planning Permission for erection of house, on land 850m south west of Wester Rynaballach, Cromdale be REFUSED for the following reasons:**
1. The proposed development is contrary to Highland Structure Plan Policy H3 (Housing in the Countryside), Development Plan Policy Guidelines 2003, Badenoch and Strathspey Local Plan Policy 2.1.2.3. (Restricted Countryside Areas), unless there are particular circumstances and special needs in relation to land management. It has not been sufficiently demonstrated that the proposed dwelling is required for the purposes of land management. 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 proposal is contrary to the requirements of Policy G2 of the Highland Structure Plan and the requirements of the Cairngorms National Park Plan. The siting and design of the house fails to complement and enhance the character, pattern and local identity of the locality.
 3. The proposed development would have a significant negative impact on the landscape character of the surrounding area conflicting with its remote, upland and uninhabited character.

Derek Manson
21 January 2010
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.

APPENDIX I