
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: PLANNING APPLICATION FOR ERECTION OF CARETAKERS HOUSE ON LAND 45METRES NORTHEAST OF KEEPERS HOUSE, INVERESHIE, INSH.

REFERENCE: 09/339/CP

APPLICANT: INVERESHIE ESTATE C/O CKD GALBRAITH, OLD EDIINBURGH ROAD, INVERNESS.

DATE CALLED-IN: 30 OCTOBER 2009

RECOMMENDATION: REFUSAL

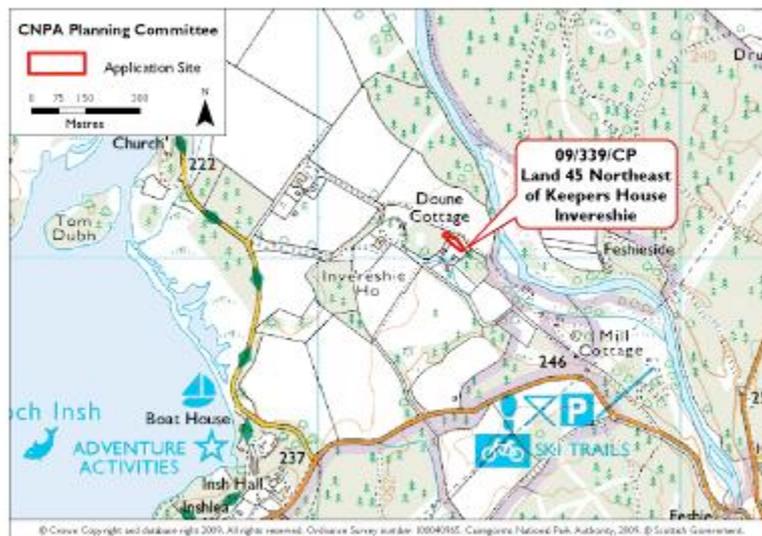


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Planning permission is being sought for the erection of a caretaker's house on Invereshie Estate. The subject site is located on land approximately 45 metres north east of Keepers Cottage, near Kincaig. Close to the site there are currently four dwelling units which are operated as self catering holiday letting units but planning permission was granted by the CNPA in 2009 for the demolition of these existing holiday homes and the erection of 6 holiday homes. However, these have not been built yet and the original five cottages still remain. A disused stable block is also located close to the existing self catering units which was not part of the original planning application.



Fig.2 – former stable block

2. The site is accessed from the public road via the driveway to Invereshie House. Upon passing the house, the drive changes direction heading south eastwards towards the group of existing holiday units. The proposed caretaker's house would be situated to the north east of the holiday units in an area of land which is currently grassland enclosed within a dry stone wall. According to the CNPA Outdoor Access Officer a claimed public right of way crosses the application site.



Fig. 3 – Photo showing footpath which crosses the application site



Fig 4. Proposed site of caretaker's house



Fig.5 Access to the site



Fig.6: Photo showing grass area between the Keepers Cottage and disused stable block and application site in background.



Fig.7 – Plans showing the approved layout of planning permission 07/031/CP and the proposed site of the caretaker’s house.

3. The proposed caretaker’s house would be built on a site next to the self catering development. The proposed house will extend to around 145 m² and would be one and half storeys in height with three bedrooms. It would have a pitched natural slated roof with dormer windows, rendered exterior walls and redwood timber windows and detailing.



Fig. 8 – Plan of Proposed caretaker’s house

4. The proposed development would be served by the public water supply. The applicants proposed to make private drainage arrangements to land via a soak away.

Background to the proposal

5. The five existing holiday letting cottages/chalets and a private nine hole golf course, together with the nearby Invereshie House and approximately 20 hectares of surrounding land, form Invereshie Estate. The applicants state that “the owners brought forward in 2009 a proposal for new building, refurbishing or demolishing and re-building six self catering holiday cottages/chalets, which received planning consent from the Cairngorms National Park Authority on 31st July, 2009 (Ref 07/31/CP). They now wish to seek consent for an additional house for a manager/caretaker to run the holiday letting business. The current Estate managers live in accommodation attached to the rear of Invereshie House”.
6. The submitted supporting statement states that “the development of a new house for the use of an Estate manager elsewhere on the Estate would introduce additional flexibility and enable the use of the whole of Invereshie house for the purposes of the business or alternatively permit the main house to be sold or retained by the owners separately from the smaller holiday letting houses.”

DEVELOPMENT PLAN CONTEXT

National Guidance

Scottish Planning Policy (SPP) 2010

7. In the section Location and Design of New Development, the SPP states that redevelopment of rural brownfield sites is preferred to development on Greenfield sites. In the section Landscape and Natural Heritage, the SPP states that development that affects a NSA, SSSI or NNR should only be permitted where:
 - It will not adversely affect the integrity of the area or the qualities for which it has been designated, or
 - Any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.
8. In the section Rural Development, the SPP states that the aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality.

Highland Structure Plan 2001

9. **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.

10. **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.
11. **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, 1997

12. **Policy 2.1.2.3 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.
13. **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.
14. **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 light of the subsequently approved Structure Plan 2001. This document states that new housing within the open countryside will be exceptional, and will only be permitted where it is required for management of land and amongst the criteria it states that for other business enterprises evidence must be provided that the business has been established for at least two years before consideration will be given to any application for associated housing.

Cairngorms National Park Plan (2007)

15. The Cairngorms National Park Plan sets out the vision for the park for the next 25 years. The plan sets out the strategic aims that provide the long term framework for managing the National Park and working towards the 25 year vision. Under the heading of 'conserving and enhancing the special qualities' strategic objectives for landscape, built and historic environment include maintaining and enhancing the distinctive landscapes across the Park, ensuring

that development complements and enhances the landscape character of the Park, and ensuring that new development in settlements and surrounding areas and the management of public spaces complements and enhances the character, pattern and local identity of the built and historic environment.

CONSULTATIONS

16. **Scottish Environment Protection Agency (SEPA)** support the principle of this development proposal and have advised that based on the information it has, the application site is not at risk of flooding from a 1 in 200 year flood event. Therefore SEPA has no objection to the application on flood risk grounds.
17. **Area Roads and Community Works** division of Highland Council has commented on the application, recommending a set of conditions to be included in the event of the granting of planning permission. The recommended conditions include the formalisation of existing access arrangements at the junction of the private access lane with the public road; and the achievement of appropriate visibility splays and the maintenance of those splays on either side of the access off the public road. Other conditions include a requirement shall be free from the adverse effects of a 1 in 200 year flood event.
18. **Kincraig and Vicinity Community Council** considered the proposal and confirmed that they have no problems with the proposed dwelling as such but wish to point out there is a misleading reference to a path along the edge of the field in the Location Plan. They state that this path does not exist today and wish to point out that the Right of Way to Feshie Bridge runs from the main entrance to the Estate, north to the farm steading and then east to the end of the farm track. At this point the path enters Invereshie Estate and veering left, climbs up the slope to follow the top of the ridge past the kettle hole and onwards to pass through the general area of the holiday lets. The site layout plan indicates a deviation from the existing route of the path, but makes no reference to the path being a Right of Way. To avoid doubt, they think it should.
19. **Environmental Health** division of Highland Council has considered the proposal and state that historic maps indicate the site has previously had buildings upon it of which their use are unknown and may have resulted in land contamination. They recommend that if no information is available on these sites, then a condition should be attached to the Planning Permission in order to ensure that the site is suitable for its proposed use.
20. The **CNPA Visitor Services and Recreation Group** has commented from the perspective of access, noting at the outset that the development will be built over a claimed right of way (HB43). The Outdoor Access Officer has commented that this right of way is very popular and is promoted at either end with a Scotways sign. The Outdoor Access Officer recommends that should planning permission be granted then any diversion of the right of way could either be secured through a planning condition or alternatively consent might be given on condition of a successful diversion order.

21. The **CNPA Heritage and Land management Group (HLM)** has been asked to comment on the proposal from a natural heritage and landscape prospective and they have not responded at the time of writing the report. Any comments received will be reported to the planning committee.

REPRESENTATIONS

22. The proposal was advertised in the Strathspey and Badenoch Herald on 28th October 2009 and no representations have been received in respect of the proposed development.

APPRAISAL

Introduction

23. The main issues to consider in this planning application are the principle of the development, and the more detailed aspects of the proposals, such as the design, as well as the overall implications of the proposal on the aims of the National Park.

Principle

24. In terms of the principle of development of a caretaker's house for the purposes of the holiday letting development the applicants have submitted a statement of justification. Within the justification the case is made that they were granted planning consent for six self catering holiday cottages/chalets on 31st July 2009 and they now wish to seek consent for an additional house for a manger/caretaker to run the holiday letting business. The proposed house is an area which is currently identified in the existing Badenoch and Strathspey Local Plan (1997) as Restricted Countryside and is also within the National Scenic Area (NSA). These policies state that there will be a strong presumption against the development of houses unless there is a land management justification. For business enterprises it states that "evidence must be provided that the business has been established for at least two years before consideration will be given to any application for associated housing."
25. This planning application does not meet with the above planning policies for several reasons. The supporting information has not satisfactorily demonstrated there is a management requirement for there to be a permanent on site presence rather than merely it being a preference. Furthermore, the supporting information has not demonstrated as to why the self catering business could not be managed from a dwellinghouse closeby such as Invereshie House as is the present arrangement or within a house located within the nearby settlement of Kincaig. The self catering business is located in an area designated as Restricted Countryside and it is a requirement that there is a sufficient management justification for a new dwellinghouse in the countryside. There is also an existing stable block which the applicants claim in their supporting statement could be converted to provide additional holiday accommodation however the applicants

have not given any reasons in their supporting statement as to why this old stable block could not be used for the caretaker's house rather than new build on a greenfield site.

26. Furthermore, even if it was sufficiently demonstrated that there needed to be a permanent on-site presence for the management of the self-catering business this application is considered to be premature. The current planning application is based on a justification of managing the self catering business however, the CNPA recently approved (July 2009) a planning application 07/316/CP for the demolition of the existing holiday homes and erection of 6 new holiday homes. These have not started construction yet. It is considered that there will be a very limited self catering business operating or none at all whilst the implementation of the approved planning application 07/316/CP is being carried out. Therefore, during this time there will be no justification for a permanent on-site presence as there will be no self catering business operating and as stated earlier any such business would need to run for two years before any associated accommodation would be considered.

Design and Landscape

27. Turning to the issues of design, whilst efforts have been made to propose a design which is in general keeping with the approved planning application 07/316/CP for the self catering accommodation, the overall scale of the proposed caretakers house is significantly larger than the 1 and ½ storey self catering houses which were approved. Therefore, it is considered that the proposed dwellinghouse due to its size and scale would overdominate the self catering units and that it would have a negative impact on the setting of the site which is in the vicinity of a listed building and in a rural location.

Technical Issues

28. Highland Council Area Roads Manager has recommended a number of highways related conditions should consent be granted. The Area Manager points out that the site should be free from a 1 in 200 years flood event and SEPA have confirmed in their consultation response that on the information maps they have that this is achieved.
29. The development site is crossed by a claimed Public Right of Way and the Outdoor Access Officer has suggested either a diversion of the right of way is secured through a planning condition or through a successful diversion order. A planning condition could not be used for the diversion of the Public Right of Way therefore any diversion would have to be done through a diversion order before the planning application was approved.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

30. A new unjustified dwellinghouse on this site will have a negative impact on the character and quality of this part of the rural landscape of the National Park and would therefore not promote the conservation or enhancement of the natural and cultural heritage of the area.

Promote Sustainable Use of Natural Resources

31. Insufficient details on the sourcing of materials etc. have been provided to establish whether or not the development would assist in promoting the sustainable use of natural resources.

Promote Understanding and Enjoyment of the Area

32. The presence of a full time caretaker on site would potentially allow for there being a greater opportunity to help the guests staying at the self catering accommodation to gain a deeper understanding and enjoyment of the area however the proposals would be unlikely to assist in promoting the understanding and enjoyment of the area by the wider general public. The loss of the claimed Public Right of Way would also have a negative effect for people to enjoy the area.

Promote Sustainable Economic and Social Development of the Area

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

Conclusion

34. The proposal is considered to be contrary to development plan policies as it has not been sufficiently demonstrated that there is a management justification for a new house for a caretaker to provide a permanent on site presence for the self catering business. The justification does not show, apart from the applicant's preference, why the caretaker cannot continue to operate from Invereshie House or from the nearby settlement Kincaig or why the old stable block cannot be converted. Furthermore, during construction of the new self catering business there will be a very limited self catering business operating therefore this application is considered to be premature. Finally, the design of the proposed dwellinghouse, due to its scale and size will overdominate the self catering units and be detrimental to the setting of the site and the wider rural area.

RECOMMENDATION

It is recommended to Members of the Committee that the application for Planning Permission for the erection of a caretakers house at land 45metres north east of Keeper's House, Invereshie, Insh 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). It has not been sufficiently demonstrated that the proposed dwelling is required for the management of the self catering business. 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 overall size and scale of the house fails to complement and enhance the character, pattern and local identity of the locality.
3. The proposal would result in the loss of a claimed Public Right of Way as there has not been a successful path diversion order made. This would result in having a negative impact upon the third aim of the Cairngorms National Park, reducing the ability of the public to enjoy the special qualities of the area.

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12 February 2010

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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.