

CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: ERECTION OF HOUSE, LAND 1KM EAST OF A889 GLENTRUM ROAD JUNCTION, BREAKACHY, LAGGAN (OUTLINE PLANNING PERMISSION)

REFERENCE: 06/507/CP

APPLICANT: JOHN & IRENE ENGLAND

DATE CALLED-IN: 15 DECEMBER 2006

RECOMMENDATION: REFUSAL

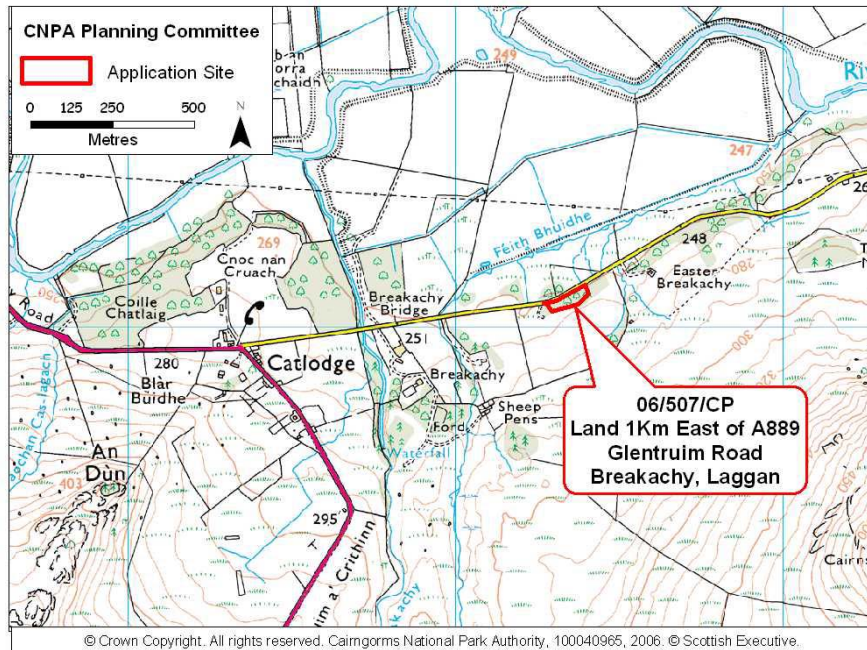


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This site is located on the south side of the Glentruim Road between Catlodge and Easter Breakachy (see fig 1). The site essentially slopes upwards from the road is part of a wider open grassland area. The site is host to a number of mature birch trees (see fig 2).
2. In terms of site history there is an existing planning permission granted in 2006 for a house immediately to the east of this site which is referred to in the applicant's submissions as plot 1. This effectively revived an earlier permission from 2003. This was not called in by the CNPA because the plot was located in a fragile countryside policy area where there is support in principle for new dwellings.
3. This is an outline application which seeks to establish the principle of residential development for a single house on the site. However, an indicative plan has been submitted showing how a house could be accommodated at the site. Access would be taken from the western end of the plot (see figure 3).
4. In terms of technical details foul drainage would be to a septic tank and soakaway with surface water drainage to soakaways.



Fig 2 View of site from the west, application site in foreground between trees existing permission (plot 1) between trees and building in background.

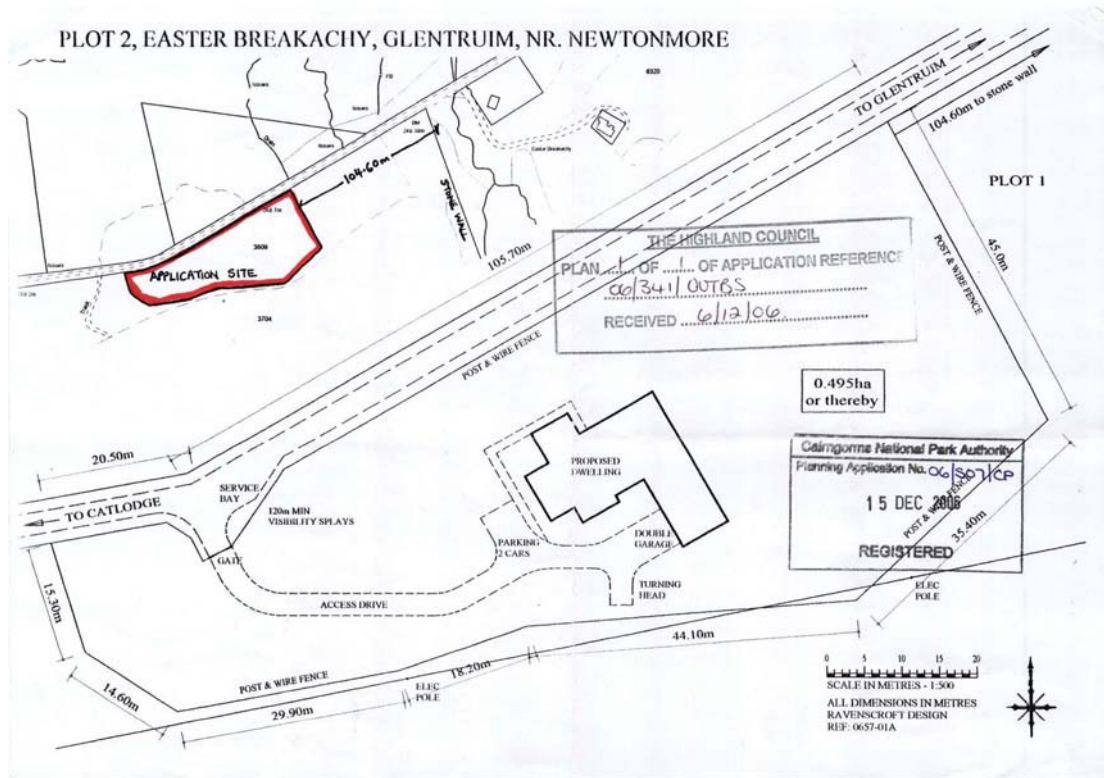


Fig 3 Plan accompanying application showing access and indicative position for dwelling.

DEVELOPMENT PLAN CONTEXT

National Guidance

5. **Scottish Planning Policy 3 Planning for Housing** notes that where possible, most housing requirements should be met within or adjacent to existing settlements. This prevents the sprawl and coalescence of settlements, makes efficient use of infrastructure and public services and helps to conserve natural heritage and rural amenity. The guidance goes on to note that in more remote areas, new housing outside of settlements may have a part to play in economic regeneration and environmental renewal.
6. **Scottish Planning Policy 15 Planning for Rural Development** para 23 considers that there is an unmet demand for plots on which unique, individually designed houses can be built in rural locations. Consideration should be given by planning authorities to formulating supportive policies in their local plans where such developments may be justifiable for economic reasons.

7. **Planning Advice Note 72** is the new advice from central government on **Housing in the Countryside, (February 2005)** and on design it states “High quality design must be integral to new development and local area differences must be respected”. Furthermore it states “In some areas, such as National Parks, National Scenic Areas and Conservation Areas, there may be a case for more prescription and a preference for traditional design, but it is also important to encourage the best of contemporary designs. There is considerable scope for creative and innovative solutions whilst relating a new home to the established character of the area. The overall aim should be to ensure that new housing is carefully located, worthy of its setting, and is the result of an imaginative, responsive and sensitive design process.”

Highland Structure Plan

8. **Highland Structure Plan (approved March 2001) Policy H3 (Housing in the Countryside)** 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 or where it supports communities experiencing difficulty in maintaining population and services. This policy points out that housing should be appropriate in location, scale, design and materials. **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. **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); use of brownfield sites, existing buildings and recycled materials; demonstration of sensitive siting and high quality design; contribution to the economic and social development of the community; and the impact on resources such as habitats, species, landscape, scenery and freshwater systems.

Highland Council Development Plan Policy Guidelines 2003

9. These guidelines consider that **open countryside** is **all** land outside the boundaries of defined settlements. New housing in the Countryside will be exceptional and will only be permitted, in accordance with national policy and approved structure plan policy where it is required for the management of land or related family purposes (retired farmers and their spouses); provided by a social housing provider; involves the conversion/re-use of a traditional building; involves the replacement of an existing dwelling which does not meet the requirements for modern living and where the costs of upgrading are not justified on economic

and environmental grounds (subject to the existing dwelling being demolished); or is part of a comprehensively planned new settlement.

Badenoch and Strathspey Local Plan 1997

10. The Landward 'Housing in the Countryside' strategy of the **Badenoch and Strathspey Local Plan (1997)** identifies the proposed site as being within a **Restricted Countryside Area**. **Policy 2.1.2.3** of the Local Plan reconfirms the sentiments of the Structure Plan policy stating that a "strong presumption will be maintained against the development of houses" in such areas. Exceptions will only be made where a "house is essential for the management of land, related family and occupational reasons." It further stresses that adherence to the principles of good siting and design will be required. The area in which the application is located is otherwise enclosed on 3 sides by land allocated as **Fragile Countryside**. **Policy 2.1.2.2** considers that the Council will encourage new houses and associated building in areas which are continuing to experience depopulation, or require further development to maintain their viability. This will apply in the south west extremities of the District (as identified on the Proposals Map) where only in cases where severe road safety, servicing, heritage or amenity constraints exist will proposals be resisted. Close attention to the principles of good siting and design will nevertheless be required. **Opportunities exist in particular, for sites which relate well to the established settlement pattern.**
11. The recently adopted **Cairngorms National Park Plan (2007)** 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.
12. **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

13. **SEPA** notes that in terms of foul drainage the proposal intends to utilise a septic tank discharging to a soakaway. A range of standard advice is provided in relation to minimum distances of private systems from watercourses ditches etc. Provided the minimum distances can be achieved then in a planning context the drainage proposals are acceptable. Surface water is to be dealt with by soakaways and SEPA find this acceptable.
14. **Highland Council Area Roads Manager** expresses some concern with further development in this remote location that is served by a relatively poor single track road. However, recommends a range of conditions including provision of combined service bay; existing roadside ditch to be culverted under/alongside the access/service bay to the satisfaction of Highland Council; visibility splays to be provided and maintained on each side of the access bounded by the first 3 metres of the centreline along the access road and in 90 metres in each direction along the road; any gates to be provided to be set back at least 6 metres; parking and manoeuvring space for at least 2 cars shall be provided in the curtilage of the property such that each vehicle may enter and leave independently. In addition the property shall be free from the adverse effects of a 1 in 200 years flood event.
15. **CNPA Natural Heritage Landscape** have considered that the proposal would result in a significant change to the character of the immediate area, but less so for the wider area. The plot on its own would be broadly similar to the existing pattern of development in the area. However, the existence of permission next to the site would break with this pattern. There is a direct threat to a small number of trees. There could be an indirect threat to others on this site. These trees are a valuable character feature for the area. The loss of trees could be limited to one, or two by careful site planning. Additional planting of birch around the site would help with screening and maintain the long term presence of the group as a whole.
16. The impact of this proposal could be limited with careful siting, design and detailing. A house on the site of itself would reinforce the pattern of development in the area. Additional housing (eg plot 1) may make the pattern significantly denser.

REPRESENTATIONS

17. No objections to the development have been received from third parties. The applicant has attached detailed responses to the concerns raised. These include concerns that negotiations about the site were started with Highland Council on the basis of the site being within a fragile countryside Area where there is a presumption, in principle, in favour of new housing. A copy of a letter from Highland

Council planners has been included with the representations. The representation points out that planning permission has been given for a house on plot 1 next to the application site so a precedent has been set. The representation gives detailed thought to the retention of more trees and the letter points out that with careful siting it would be possible to retain all but two of the trees one of which is damaged already. A range of photographs have been provided which are attached at the back of the report.

APPRAISAL

18. This is an outline application that seeks to establish the acceptance, in principle, of a house at the site. Therefore, the key issues relate to the acceptability of a dwelling on the site proposed in basic policy terms. Technical factors are also considered.
19. As noted in the development plan context section of the report the site is located within a restricted countryside area where new dwellings would not normally be permitted without a land management (agricultural) justification. There is no land management justification with this proposal. The applicant entered into negotiations with Highland Council on the basis of the site being within a fragile countryside policy area where there is encouragement for new dwellings. However, based upon a detailed analysis of the allocation maps it is clear that this site is located within a restricted countryside policy area. The allocation forms a cut out section on the map, on the south side of the road the area is otherwise designated as a fragile countryside area. The reason for this small cut out section on the south side of the road is not entirely clear but my assumption is that it has been excluded from the fragile area because of a slight steepening of the site and also the presence of several birch trees. The site being proposed is within an area recorded on the Ancient Woodland Inventory (AWI) and Semi Natural Ancient Woodland Inventory (SNAWI) (see fig 4).
20. While I have sympathy with the set of circumstances that the applicants find themselves in as a result of pre-application discussions it is clear from our analysis that the site is within a restricted countryside area. There is no land management justification, hence my recommendation of refusal for the scheme on principle policy grounds. The applicant has pointed out that the neighbouring site (referred to as Plot 1 see fig 4 CNPA Ref 06/297CP) has planning permission for a house and questions whether this is within the restricted countryside policy area. On my analysis the neighbouring site is just within the fragile area which is the reason why plot 1 was not called-in by the CNPA and ultimately gained permission from Highland Council. If the site of this current application was also within the fragile countryside area I would have concerns about it in terms of the more detailed policy criteria.

21. The acceptance of new dwellings under the fragile policy is based upon them following the existing character and spacings of dwellings within an area. Generally, plots in the vicinity are well dispersed, in some instances with considerable distances between them. In the case of this site the plot would be adjacent to the west boundary of plot 1. While recognising that the houses themselves could be given some limited level of separation any separation that could be achieved would in my view not reflect the characteristic much wider dispersal of dwellings in the area. Indeed, this could set a precedent leading to ribbon development that would be clearly contrary to the existing development pattern of the area. This is also raised as a concern by the Highland Council planning officer in the copy letter submitted by the applicant and attached at the back of the report. Because of this, I am of the view that the scheme would not accord with policies G2 (Design for Sustainability) and L4 (Landscape) of the Highland Structure Plan which seek to protect the traditional development pattern and landscape character. This is regardless of the policy rejection of the scheme in principle and forms the second reason for refusal at the end of the report.

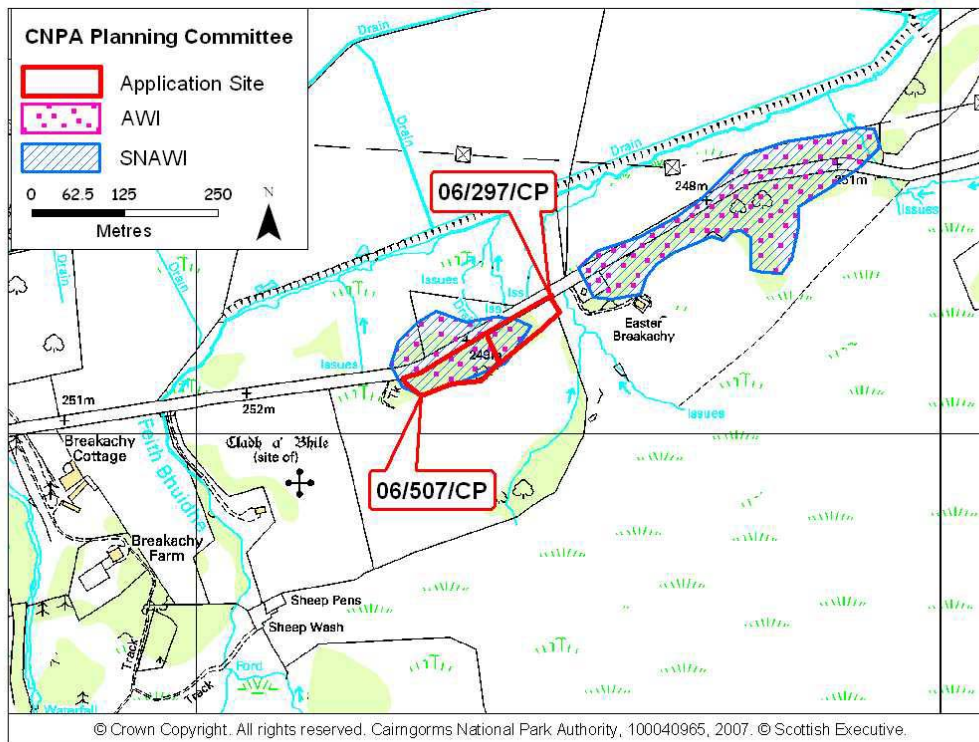


Fig 4 Showing Woodland Designations and relationship between the two plots.

22. As part of negotiations I have suggested that the applicant consider withdrawing this application and replacing it with a proposal that is within the surrounding fragile countryside policy area. However, the applicant wished the proposal to be determined by the Planning Committee in the light of all the facts including the considerable effort put into pursuing the proposal up to this point. This is an unfortunate situation but the policy context is clear in that any proposal on the site should be refused without a land management justification. In addition, even if the site was covered by the fragile designation in my view it would not meet the detailed criteria of that policy due to the proximity of plot 1 immediately to the east which already has permission for a house.

Technical Issues

23. In terms of highways issues the Area Roads Manager has expressed some concerns about further development in the area but does not object to the application on highway safety grounds, or policy grounds. A range of conditions are recommended for safe access to the site. In the light of this response the proposal must be viewed as acceptable in highways terms.
24. Drainage will be to a septic tank and soakaway, acceptable percolation tests have been carried out at the site.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

25. The proposal is for a single house with no land management justification. The scheme would result in the loss of a couple of trees. The key impact upon natural heritage would relate to the development pattern in the area which the Local Plan seeks to protect. The area is characterised by a dispersed settlement pattern. The proposal would result in two dwelling plots next to each other which is contrary to the general character of the area.

Promote Sustainable Use of Natural Resources

26. This is an outline application so there is little detail in terms of where materials would be sourced.

Promote Understanding and Enjoyment

27. The proposal has little relevance to this aim.

Promote Sustainable Economic and Social Development

28. The application is for a single house so it is difficult to envisage any particular benefits to the wider economy beyond employment in its construction.

RECOMMENDATION

29. That Members of the Committee support a recommendation to: **REFUSE** Outline Planning Permission for erection of dwelling land 1 km east of A 889 Glentruim Road Junction, Breakachy, Laggan for the following reasons:
- I. The proposed development is contrary to National, Regional and Local Planning Policy as contained in Scottish Planning Policy 3 (Planning for Housing), Scottish Planning Policy 15- Planning for Rural Development, Highland Structure Plan Policy H3 (Housing in the Countryside), Development Plan Policy Guidelines 2003 and the Badenoch and Strathspey Local Plan Policy 2.1.2.3. (Restricted Countryside Areas), all of which restrict new houses in the countryside unless there are particular circumstances and special needs in relation to land management. The proposed dwelling house is not required for the purposes of land management or related family or occupational reasons, and if approved 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.
 - II. The site because of its proximity to a plot with an existing permission for a single house would be detrimental to the visual amenity, failing to complement and enhance the character, pattern and local character of an area which is characterised by sporadic well dispersed development. The proposal is therefore contrary to Policy G2 (Design for Sustainability) and L4 (Landscape) of the Highland Structure Plan and the aim of the Cairngorms National Park to conserve the natural and cultural heritage of the area.

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27 March 2007

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.