
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: MARY GRIER (PLANNING OFFICER, DEVELOPMENT MANAGEMENT)

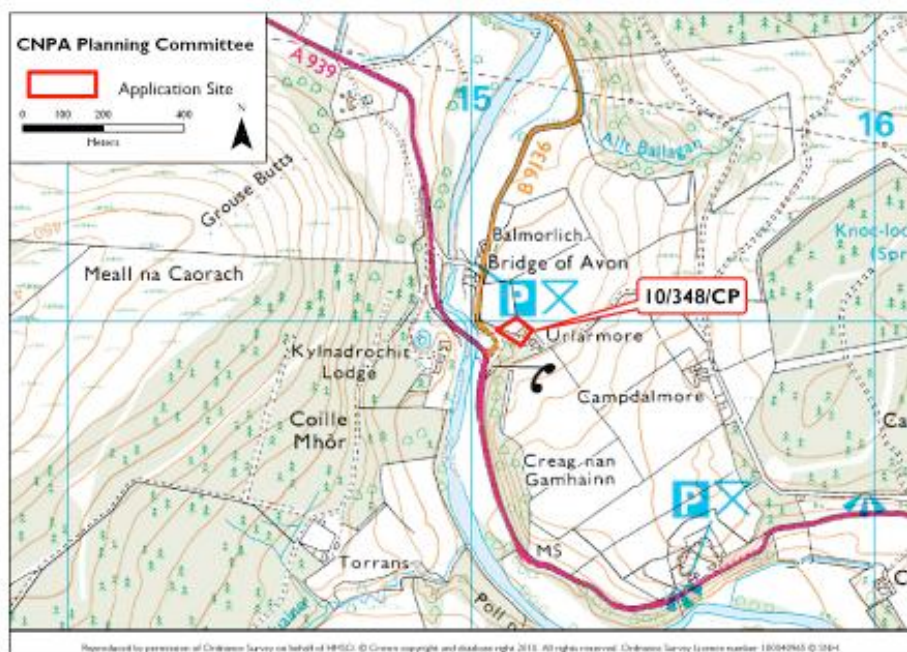
DEVELOPMENT PROPOSED: APPLICATION TO CONTINUE USE OF TEMPORARY ACCOMMODATION APPROVED UNDER 05/439/CP AT URLAMORE, KIRKMICHAEL, BALLINDALLOCH

REFERENCE: 10/348/CP

APPLICANT: MR. TREVOR BATES, MINSKIP, YORKSHIRE

DATE CALLED-IN: 29 OCTOBER 2010

RECOMMENDATION : APPROVE WITH CONDITIONS



Grid reference : 315147 819949 (easting northing)

Fig. 1 - Location Plan

PROPOSAL AND SITE DESCRIPTION

1. This planning application has been submitted by the new owner of Urlamore Steading, Tomintoul, who is seeking permission to continue the use of temporary accommodation on the site for a further twelve months. The subject site has an extensive planning history. The following provides a brief summary of the planning history and it should assist in providing the background to the current planning application.

Planning history

2. Two planning applications for development on the subject site were submitted to Moray Council by the former site owners (Mr. and Mrs. Nash), and 'called in' by the CNPA in October 2005. In the first application full planning permission was sought for the conversion of the existing water mill on the site into a 4 bedroomed dwelling house and two 2 bedroomed self contained holidays lets (CNPA planning ref. no. 05/440/CP refers). Full planning permission was sought in the second associated application for the erection of a building for use as temporary residential accommodation (CNPA planning ref. no. 05/439/CP refers). The temporary accommodation unit was described as a 'cabin,' having external walls finished in natural timber weatherboard under a slate effect tiled roof. A case was advanced that the temporary accommodation was required on the site for a period of two years to provide residential accommodation for the applicants during the construction and conversion of the watermill.
3. Both of the planning applications were determined by the CNPA Planning Committee in April 2006, with the Committee resolving to grant full planning permission, subject to a number of conditions, for the conversion project, and also resolving to grant planning permission for the temporary accommodation unit. The latter was also subject to the applicants entering into a Section 75 legal agreement and subject to a number of conditions. The Section 75 legal agreement was concluded several months later and the decision notice in respect of the temporary accommodation was subsequently issued on January 18th 2007. The legal agreement included three obligations in respect of the temporary building : -
 - (1) That the cabin may only be occupied by the proprietors and by a dependent or dependents residing with them, and that the cabin may not be disposed separately from the site;
 - (2) That on the earlier of the completion of the conversion project or the expiry of a two year period commencing on the effective date, the proprietors shall cease to reside in and will refrain from using the cabin in any manner, and shall remove the entire structure of the cabin from the site; and
 - (3) Upon removal of the cabin from the site, the development site shall be restored to reasonable satisfaction, with the CNPA to issue a letter confirming satisfactory completion.
4. The 'effective date' referred to in the Section 75 legal agreement was the date of issue of the decision notice (18th January 2007). Although some work was

undertaken on the watermill, it did not progress as quickly as the applicants originally anticipated. As a result, the former owners submitted a request to the CNPA in April 2009, requesting that consideration be given to amending the terms of the Section 75 agreement, to extend the time period that the unit was allowed to remain on site. A case was advanced to justify the continuing temporary need for the unit, to meet their residential requirements while work proceeded on the conversion project. The applicants anticipated at that time that work on the holiday letting units of the development was likely to be concluded during that summer. The CNPA Planning Committee agreed at a meeting on 29th May 2009 to agree to the request to amend the terms of the Section 75 agreement (para 2.2, Obligations regarding the temporary building) extending the time period by a further 6 month period, until November 30th 2009.

Background to the current application

5. The current applicant, Mr. Bates, purchased the site from the former applicants, and took possession of the lands on 1st February 2010. The conversion project was still in an incomplete state, requiring extensive further work.
6. The fact that the permission originally granted for the temporary siting of the cabin accommodation has expired and that the terms of the Section 75 agreement required its removal from the site, was brought to the attention of the new owner by the CNPA's Monitoring and Enforcement Officer. Mr. Bates subsequently agreed to apply for a further temporary permission to retain the temporary accommodation on the site for a further 12 month period. The justification advanced for the requested 12 month period is to allow a form of residential accommodation to remain available on the site for an adequate time while he works on completing the conversion of the water mill. The 12 month period is considered by Mr. Bates to be sufficient to take account of potential poor winter weather and the difficulties that would occur in accessing the site at such times.

Site description

7. The proposed site is located at Urlamore, approximately 2 kilometres northwest of Tomintoul. It occupies a prominent and elevated position, set above the B9136 (Bridge of Avon to Glenlivet road) and the river Avon. The existing temporary building is clearly visible from the A939, particularly on the downhill approach towards the Bridge of Avon. Access to the site is gained from an existing single carriage private road¹ off the B9136, with a relatively steep gradient. The road serves the temporary accommodation, the water mill and an existing adjacent two storey farmhouse.

¹ The access road to the site is denoted on maps as an Old Military Road.



Fig. 2 : Existing watermill structure, as viewed from the approach.



Fig. 3 : Existing 'cabin' accommodation

8. The existing 'cabin' accommodation is positioned to the north of the existing watermill (approximately a 5 metre separation distance), adjacent to the eastern boundary of the site. The structure is positioned in a prominent location on some of the highest ground on the site. Ground levels on the site are highest towards the rear and side of the watermill. There is a significant change in ground levels across the site, generally descending from east to west, as indicated on a previously submitted contoured site plan, which shows a fall of 3.20 metres in that area.

DEVELOPMENT PLAN CONTEXT

9. Planning application reference no's 05/439/CP and 05/440/CP were considered and determined in the context of the policies detailed below.

Moray Development Plan – Structure Plan

10. **Policy S/Env 3 : Scenic Designations** asserts that “areas of scenic quality will be protected from inappropriate development;”
Policy S/H4 : there is a presumption in favour of housing in the countryside in rural areas in the south and east in a number of circumstances, including situations that involve the re-use, replacement or rehabilitation of existing buildings;

Policy L/IMP2 : Development in Rural Areas requires that proposals are compatible in terms of character, amenity and design and integrate sensitively into the environment;

Moray Development Plan – Local Plan

11. **Policy L/ENV 7** requires that development proposals within Areas of Great Landscape Value will only be permitted where they incorporate high standards of siting and design and where they will not have a significant adverse effect on the landscape character of the area.
12. Similar to the Structure Plan, the **Local Plan** does not contain a specific policy in relation to ‘temporary accommodation’ units other than in the context of caravan accommodation. **Policy L/H10** states that no new residential caravan sites, except for a new caravan on the basis of temporary necessity, will be permitted. The policy stipulates that ‘temporary necessity’ will normally only apply to emergency situations where re-housing is urgently required as a result of unforeseen circumstances such as fire, flood or storm damage to a principal residence or “for a fixed time period relating to the on site construction of a new house.”

Current planning policy

13. The current application is essentially seeking an extension of the time period of a temporary development which has already been accepted at the site, when considered by the CNPA Planning Committee in the context of policies that were applicable at the time of the original decision in 2006. Policies have however altered in the time since the application was originally determined. While the Moray Council Structure Plan policy remains applicable, Moray Council Local Plan policies have been superseded by the adoption of the Cairngorms National Park Local Plan on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
14. The Cairngorms National Park Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
 - Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.
15. The Local Plan policy which is of most relevance to the current planning application is Policy 6 – Landscape. The policy indicates that there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of

the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.

CONSULTATIONS

16. The original application for the temporary 'cabin' accommodation at the site was assessed by a number of departments within Moray Council, including Transportation Services and Environmental Protection, all of whom recommended the granting of planning permission.

REPRESENTATIONS

17. No representations have been received in connection with this planning application.

APPRAISAL

18. The principle of a temporary accommodation unit on the site for a limited period of time was originally accepted by the CNPA Planning Committee, through the granting of planning permission in April 2006. Matters including planning policy compliance, the temporary nature of the structure, its association with the planning application for the conversion of the watermill and the case advanced for the temporary accommodation, were all explored in the course of the previous application on the site. In light of concerns regarding the temporary nature of the structure, its design and prominent siting, and consequent visual and landscape impact, the permission stipulated that the structure would be used as temporary residential accommodation for a limited period of two years. The completion of the aforementioned Section 75 agreement was also required, and included an obligation requiring the removal of the structure from the site upon completion of the conversion project or at the end of the two year period, whichever was the sooner.
19. As the work on the watermill conversion had not progressed in accordance within the originally anticipated timescale, the CNPA Planning Committee later agreed to a request to amend the terms of the Section 75 agreement, to allow the temporary residential unit to remain on the site for an additional period of time until November 30th 2009.
20. As the stipulated time period for which the temporary accommodation unit was entitled to be retained on the site expired in November 2009, the structure may now be considered unauthorised. Following the expiry of the extended period of the temporary permission, the CNPA's Monitoring and Enforcement Officer undertook investigations and the CNPA became aware of the change of ownership of the site. As referred to earlier in this report, this current application has come about as a result of dialogue with the new site owner i.e. the current applicant, Mr. Bates.
21. The current planning application must be considered on its own merits, and a conclusion on this should not be influenced by the previous site owner's

inability to adhere to the commitments previously expressed regarding timescales for the completion of the conversion project and the associated removal of the temporary residential accommodation unit from the site. The issues to consider in this current application primarily relate to the acceptability or not of the structure remaining on the site for a further year, the impact of it being in place for that period of time, and the case advanced by the current applicant to justify the request.

22. In considering the impact of the structure on the subject site, the key issue is the visual and landscape impact. Its siting is prominent and elevated and the retention of the structure in this location on a long term or permanent basis would not be acceptable and would be contrary to Policy 6 (Landscape) of the CNP's Local Plan. The structure is not considered to complement or enhance the landscape character of the National Park. However, its retention on the site for a limited period in order to enable the new owner of the watermill to use it as temporary residential accommodation while he works to complete the conversion project, has some merit. It would assist the new owner in progressing towards the completion of the conversion project, which would include the landscaping of the overall site as required in accordance with the planning permission (CNPA ref. no. 05/440/CP). It has been noted by the CNPA's Monitoring and Enforcement Officer during site visits undertaken by him on various occasions since the new owner acquired the property, that work is progressing (although it was hampered by harsh weather conditions early in 2010).
23. In the longer term interests of facilitating the completion of the approved conversion of the watermill into a dwelling unit and two holiday letting units, the retention of the temporary accommodation unit for a further period is considered acceptable. The applicants request to retain it on site for a further 12 months is acceptable, having regard to the extent of work that remains to be completed on the conversion project on the site, and also taking into account practical matters such as any delays to work that may result from adverse weather conditions.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

24. The presence of the existing temporary accommodation unit on this prominent and elevated site does not have any positive implications for this aim. In the event of it remaining on the site in the long term it could be considered to have an adverse effect on the cultural heritage of the area by virtue of its impact on the setting of the adjacent traditional steading. It would also impact negatively on the landscape character of the area. However, the impacts of the retention of the unit on the site for a further limited period would be tolerable.

Promote Sustainable Use of Natural Resources

25. It is not known where the materials for the temporary accommodation structure were sourced from. However, the primary material used is timber which itself is a sustainable material and as such the development can be considered to comply with this aim.

Promote Understanding and Enjoyment of the Area

26. The development does not contribute towards promoting the understanding or enjoyment of the area and due to its prominent siting, adverse visual impact and effect on the visual qualities and traditional character of the watermill could be considered to detract from the enjoyment of the area by the general public in the event that it was to remain in place in the long term.

Promote Sustainable Economic and Social Development of the Area

27. The development does not make any direct positive contribution to the promotion of sustainable economic or social development in the area. However, it is recognised that the temporary existence of the 'cabin' on the site is linked to the applicants programme of works to facilitate the completion of conversion of the steading / watermill and it may therefore be considered to contribute indirectly towards promoting the longer term economic and social development of the area.

RECOMMENDATION

That Members of the Committee support a recommendation GRANT permission for the continued use of temporary accommodation approved under 05/439/CP on land at Urlamore, Kirkmichael, Ballindalloch, subject to the following conditions : -

1. The structure shall be used solely as 'temporary residential accommodation' and shall be retained on the site for a maximum period of 12 months only from the date of the granting of this planning permission.

Reason: In the interests of the visual amenity of the area and in the interests of enhancing the cultural heritage of the area.

2. On the earlier of the completion of the conversion project (granted planning permission under CNPA planning ref. no. 05/440/CP) or the expiry of the 12 month period commencing on the date of the granting of this planning permission, all use of the temporary residential accommodation shall cease and the structure shall be removed from the site.

Reason : in the interests of enhancing the landscape character of the area and in order to restore and enhance the setting of steading / watermill on the site.

3. Within one month of the removal of the temporary residential accommodation unit from the site, the site area shall be restored to an appropriate condition which is to the written satisfaction of the Cairngorms National Park Authority

acting as Planning Authority. The site restoration work shall be compatible with the landscaping works approved in connection with CNPA planning ref. no. 05/440/CP (conversion of the existing watermill into a 4 bedroom dwellinghouse and 2 two bedroom self contained holiday lets).

Reason : in the interests of enhancing the landscape character of the area and in the interests of consistency with the principal planning permission on the subject site.

Mary Grier

planning@cairngorms.co.uk

20 December 2010

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.