
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: FULL PERMISSION FOR THE ERECTION OF A BUILDING FOR USE AS TEMPORARY ACCOMMODATION FOR A PERIOD OF TWO YEARS.

REFERENCE: 05/439/CP

APPLICANT: ANDREW AND CORDULA NASH,
URLAMORE, TOMINTOUL, MORAY,
AB37 9HD.

DATE CALLED-IN: 21ST OCTOBER 2005

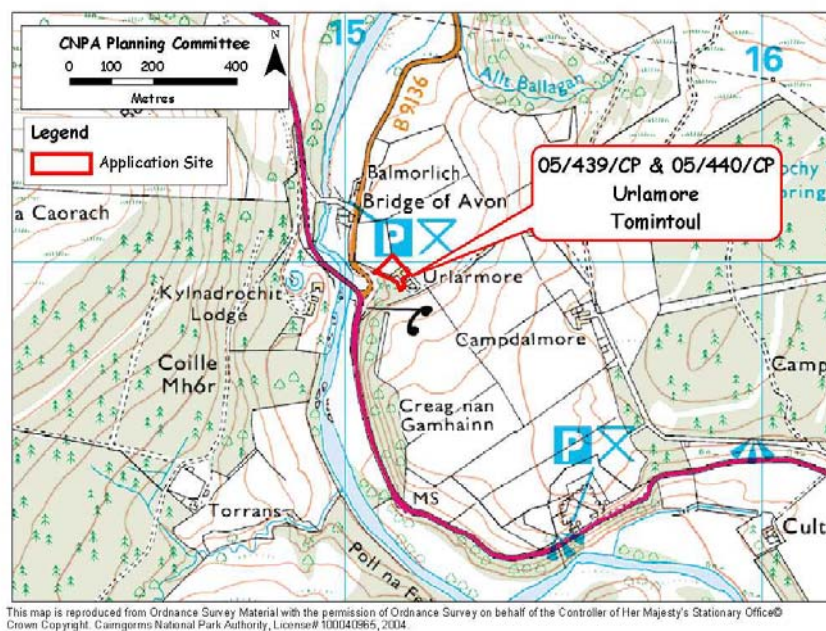


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Full planning permission is sought in this application for the erection of a building for use as temporary accommodation for a period of approximately two years. The structure is proposed on a site which already accommodates a derelict steading / water mill and this application is proposed in conjunction with a separate application by the same applicant for the conversion of the water mill into three residential units (a four bedroom dwelling house and two properties for holiday letting purposes) – CNPA planning ref. no. 05/440/CP refers. The subject site is located at Urlamore, approximately 2 kilometres northwest of Tomintoul. The site and the existing structure occupy a prominent and elevated position, set above the B9136 (Bridge of Avon to Glenlivet road) and the river Avon. The location of the proposed 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 derelict water mill and an existing adjacent two storey farmhouse and tapers off to a grass track close to the entrance to the respective properties.



Fig. 2 : Existing watermill structure, with roof of existing residential property in evidence to the rear.



Fig. 3 : Existing farmhouse adjacent to subject site.

2. The building for which permission is sought in this current application is described in application documentation as a ‘cabin.’ The exterior walls of the structure are proposed to be finished with natural timber weatherboard, under a roof finished with ‘imitation slate tiles.’ Timber imitation uPVC double glazed windows and doors are also proposed. The floor layout of the ‘cabin’ includes an open plan lounge, kitchen and dining area, with a hallway leading to a bathroom and utility area, as well as one bedroom which is proposed to include office space. Patio doors provide access to an exterior deck on the northern elevation. The structure is to be set on a timber base, supported by “timber posts bedded into concrete.” The structure has a ridge height of approximately 5.8 metres and a floor area of approximately 63 square metres.

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

3. The applicants intend to reside in the 'cabin' for the duration of the conversion project on the site and based on correspondence received from the applicants as well as discussions at a recent meeting between Mr. and Mrs Nash and myself, it appears that residing in temporary on site accommodation for the duration of the build programme is a financial necessity.
4. The application for the structure was submitted to Moray Council in late September 2005 and was called in by the CNPA on October 21st 2005, due primarily to its linked significant with the aforementioned application on the site for the conversion of the steading / mill building. Without the benefit of planning permission, work commenced on the erection of the 'cabin' accommodation on the site at some point in November 2005. It is my understanding that work on the structure stopped shortly after the unauthorised status of the structure was brought to the attention of a representative of the applicants in a telephone conversation to the CNPA planning office in December 2005.



Fig. 5 : 'Cabin' located to the left of existing steading, as viewed from the A939 (photographed 6th December 2005)



Figs. 6 & 7 : 'Cabin' existing on site in an unfinished state (photo 16.2.06)

5. The applicants have since put forward an explanation as to why construction work commenced on the 'cabin' in the absence of planning permission. In a letter to the CNPA's planning office in March 2006 the applicants refer to a previous permission granted by Moray Council for the siting of a caravan on the site as temporary accommodation – Moray Council planning ref. no. 03/02673 refers, with that permission

apparently being sought by the previous owners of the site, who intended to reside there for the duration of the conversion of the steading to a single residential unit. Mr. and Mrs. Nash (the current applicants) contend that they interpreted the existence of a permission for the siting of a caravan to equal "permission to put any temporary living accommodation there." The applicants' decision to erect a 'cabin' type structure of a substantial solid nature on the site derives from two sets of circumstances – 1. the confined configuration of the site which would preclude access for a mobile home or a bigger caravan than previously existed, and 2. the necessity for all structures to comply with Building Regulations.

6. The temporary 'cabin' accommodation is positioned to the north of the existing steading (approximately a 5 metre separation distance), set tight against 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 existing steading. There is a significant change in ground levels across the site, generally descending from east to west, as indicated on a contoured site plan, which shows a fall of 3.20 metres in that area. Much of the area to the front of the proposed temporary accommodation and the existing steading currently comprises of rough grassland, although activity at the site has resulted in this grassed area taking on a trampled appearance and mounds of excavated earth are also in evidence in the northern corner of the site.
7. A post and wire fence forms the north eastern and north western boundaries of the site. A landscaping plan has been submitted jointly in support of this current proposal and also the application for the conversion of the steading. The provision of trees and shrubs to form screen planting is indicated adjacent to the existing site boundaries. The landscaping plan suggests the planting of a mixture of silver birch, rowan, caledonian scots pine, juniper and aspen along some of the boundaries. An extensive area of planting is proposed on the western slope of the site, as the ground falls towards the access road. The plan also includes proposals to create earth mounds adjacent to the north western boundary of the site, with mounds extending to heights of between 500mm and 1.5 metres. The 1.5 metre high mound in the northern corner of the site is proposed to be covered by "native trees, rocks and ground covering plants designed to give protection from cold northerly winds and also to create screening of temporary dwelling and other hard landscaping features." The hard landscaping features in question include the creation of a path leading to a hot tub, and also a retaining wall constructed of natural stone, which is necessary to create a barrier between the changing ground levels of the upper and lower levels of the garden. The creation of a water feature is also proposed as well as the provision of a fire pit.
8. It is proposed to connect the temporary accommodation unit to a private water supply taken from a natural spring on the site, with foul

drainage going to a septic tank and underground soakaway. The same servicing arrangement is intended to serve the proposed steading conversion.

DEVELOPMENT PLAN CONTEXT

Moray Development Plan – Structure Plan

9. Chapter Two of the Structure Plan deals with the Environment and the policies on Landscape are of particular relevance in this application. The subject site is within an designated Area of Great Landscape Value and the Structure Plan requires that any development proposals within such areas to incorporate best principles of siting and design. **Policy S/Env 3 : Scenic Designations** asserts that “areas of scenic quality will be protected from inappropriate development.”
10. On the subject of housing, the **Moray Structure Plan** operates a presumption in favour of housing in the countryside in rural areas in the south and east (**Policy S/H4**) in a number of circumstances, including situations that involve the re-use, replacement or rehabilitation of existing buildings. The **Structure Plan** also contains Development Control policies applicable to a proposal of this nature. **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.
11. The **Moray Structure Plan** does not include specific policies on ‘temporary accommodation’ of the nature proposed in this application. It includes a policy on Residential Caravans, with section. 4.31 stating “whilst special arrangements may be made to accommodate temporary use of caravans, for full time residence, and travelling people, those for use as permanent homes do not normally provide a satisfactory living environment and are therefore not encouraged.” **Policy S/H6** relates to Residential Caravans only, where it is stated that “proposals to replace residential caravans, or to redevelop existing sites, will be encouraged.”

Moray Development Plan – Local Plan

12. In terms of landscape issues, **Policy L/ENV 7** of the Local Plan 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. Within such areas detailed proposals covering site layout, landscaping, boundary treatment, building design and material finishes are required with any planning application.
13. 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."

14. **For information purposes only** : The subject site is located within General Policy Area 2 as identified and defined in the **Cairngorms National Park Consultation Draft Local Plan**. Within such areas it is the policy that development will only be permitted "where it is demonstrated that there is no alternative and that the aims of the National Park or objectives of designation and the overall integrity of the areas, features or interests will not be compromised; or any significant adverse effects on the special qualities of the National Park or qualities for which the area, feature or interest has been designated or identified, or amenity or public health are clearly outweighed by social or economic benefits of national importance and are mitigated to provide features or interests of equal importance to those that are lost."
15. **Policy 42** of the **Cairngorms National Park Consultation Draft Local Plan** refers to Proposals for Residential Caravans, stating that "new proposals for the siting of residential caravans within the Cairngorms National Park will not be permitted; provision for 'temporary necessity' may be granted a single period of 6 months where there is a demonstrable need."

CONSULTATIONS

16. The proposal has been assessed by a number of departments within Moray Council, including Transportation Services, Environmental Protection and the Environmental Health Manager, all of whom recommend the granting of planning permission.
17. Although the development is proposed to be served by a private water supply and septic tank, Moray Council initiated consultations with **Scottish Water** and a response was received indicating that there was no objection to the proposed development. The response also advised that any septic tank should be sited in such a manner as to allow easy access for emptying by tanker.

REPRESENTATIONS

18. No representations have been received in respect of the proposed development.

APPRAISAL

19. This application was 'called in' for determination by the CNPA's Planning Committee primarily due to its linked significance with a larger scale proposal on the same site, which is the subject of a separate application, as detailed earlier in this report. There are few planning policies or national planning guidance or advice that applies directly to a situation of this nature. In essence, consideration is only given to the provision of 'temporary accommodation' units where the necessity arises due to unforeseen circumstances or as in this case, where the development is required in conjunction with the on site construction of a dwelling and holiday letting units for the applicants.
20. The main issues arising from this proposal relate to whether or not temporary accommodation is acceptable in this instance; the semi permanent nature of the proposed accommodation unit; its impact on the setting of the steading; its overall visual impact on the aesthetic qualities of this rural area; and also the duration of the time period for which permission is being sought. The fact that substantial works have already been undertaken in connection with the proposed development is also a relevant factor in this assessment, particularly as its existence demonstrates many of the concerns associated with the proposal.
21. The principle of a temporary accommodation unit for use as residential accommodation during the construction period of a dwelling house is supported by planning policy as set out in the **Moray Local Plan (2000)**. Indeed the principle of temporary accommodation has already been accepted by Moray Council through the granting of planning permission for the temporary siting of a caravan on the site.² However that permission was for a relatively small scale, easily moveable caravan, which offered far greater opportunities for positioning it in a relatively inconspicuous position and removing it quickly and easily from the site at the appropriate time. In contrast the current proposal is essentially a small scale dwelling house, of fixed position and solid construction. Indeed Mrs. Nash, one of the applicants, stated in a recent meeting to discuss the proposal (and also made reference to this in recent correspondence) that they would be willing to use any cladding required, including stone, on the exterior of the accommodation unit, in an effort to overcome concerns raised by the CNPA regarding the overall visual impact and its potential impact on the setting and cultural heritage value of the traditional steading. The suggestion was rejected and whilst such a proposal may have been put forward with the best of intentions, this suggestion nonetheless gives

² Full planning permission was granted by Moray Council under planning ref. no. 03/02673/FUL for the siting of a caravan on the subject site for the duration of the build period associated with the conversion of the steading to a single unit dwelling house (planning ref. no. 99/00423 refers). The condition stipulated that "the caravan shown on approved drawing..... shall only be placed on the site for the duration of building operations approved under outline consent ref. 99/00433/OUT and any subsequent reserved matters application. Unless otherwise agreed, the caravan shall be removed from the site following the occupation of the dwellinghouse or the completion of the building works, whichever is the sooner."

me cause for concern at the permanent nature that the structure is likely to assume. The proposed time period for which permission is sought is two years as stated on the planning application form, but despite this I would question the applicant's motivation and long term plans for the structure, given the solid nature of the construction and the level of expenditure involved in developing such a 'temporary' structure.

22. In considering this application for planning permission for the temporary unit, I am mindful of the need case advanced for temporary accommodation to facilitate the applicants at the site. Planning policy also supports consideration being given to some form of temporary accommodation unit on the site for a strictly limited period. Following on from the points raised in the previous paragraph regarding the possible long term plans for the structure, I feel that it is necessary to highlight the fact that temporary accommodations intended for occupation for the duration of building works are normally in the form of caravans or where more spacious accommodation is required, mobile homes. This current proposal is clearly a significant departure from the understanding of most planning authorities of the concept of temporary accommodation provision in such circumstances. There is also a need to bear in mind the precedent likely to be set by the granting of planning permission for a structure of this nature as a temporary unit.
23. The prominent and elevated position of the structure is undoubtedly a cause for concern, with the structure in its current state presenting quite discordant views, juxtaposed with the traditional steading on the site, particularly when viewed from a distance in the surrounding landscape. As already detailed, landscaping proposals have been submitted for the entire site. The creation of an earth mound, extending to 1.5 metres in height is proposed between the temporary accommodation unit and the north western boundary of the site. The landscaping plan includes proposals for the planting of this area with a selection of native trees (silver birch, rowan, caledonian scots pine, juniper and aspen) and ground cover plants. Planting proposals in this area of the site have been "designed to give protection from cold northerly winds and also to create screening of temporary dwelling." Aside from the creation of the mound, which in itself is of a height and extent that could potentially appear as an unnatural intrusion in the landscape, it is debatable whether or not the landscaping proposed is likely to provide any real screening benefit for the temporary accommodation unit within the two year time scale that it is proposed to be in place.
24. The location in which the temporary accommodation unit has been sited is of optimum prominence on the site. Concern has been expressed to the applicants and their representative by CNPA planning staff in the course of the application regarding this fact. It is in response to those concerns that the landscaping and earth mounding proposals have been submitted, particularly in respect of the northern

corner of the site. It is my view that landscape advice contained in **PAN 67 : Housing Quality** is particularly relevant in this instance. Whilst **PAN 67** highlights the contribution of landscape design to environmental quality, particularly where it begins to mature, it also highlights the fact that landscape design cannot compensate for poor layout and design.

25. As detailed earlier in this report the site configuration and the position of the steading curtail opportunities for the siting of temporary accommodation in areas of the site in which the visual impact could be more effectively minimised. Ideally any form of temporary accommodation on the site should be smaller scale and of a considerably less permanent nature, and positioned in either of the areas to the south of the steading i.e. shielded from view by the steading and in a position that would not be perceived as detracting from the traditional steading. Due to the nature and scale of the temporary accommodation unit that the applicants wish to reside in, the site configuration has rendered it impossible to position it in a less obtrusive area, as to do so would result in extreme constraints on access and parking arrangements.
26. I am sympathetic to the 'need case' advanced by the applicants for some form of temporary accommodation to allow them to reside on site during the build process. However, in light of the various concerns associated with the development proposal – overall visual impact, impinging on the setting and character of the traditional steading and therefore compromising the cultural heritage value of the steading - the fact that it fails to offer any positive benefits in the context of the four aims of the National Park, and the fact that the proposed structure is in essence a permanent dwelling house, far removed from the conventional temporary caravan / mobile home unit usually utilised in such circumstances, I feel that a proposal of this nature is not supported by planning policy and would set a precedent for the acceptance of inferior quality dwellings of the nature proposed in the National Park, either for temporary periods or longer.
27. In making this recommendation to refuse planning permission for the structure, I feel that it is important to point out that the recommendation should not be interpreted as opposition to the applicants residing at the site for a limited time period, in an appropriate form of conventional temporary accommodation, positioned in a visually appropriate location to the south of the building. Whilst the permission granted by Moray Council for the siting of a caravan as temporary living accommodation cannot be availed of by the applicants, as condition no. 3 of that permission clearly linked it to a different permission i.e. the conversion of the steading to a single dwelling house as permitted under Moray Council planning ref. no. 99/00433/OUT, this does not preclude the applicants from making an application for the siting of a caravan in connection with their development proposal for the steading. While not wishing to prejudice the outcome of any potential future application, I

feel that it is imperative that there is a clear understanding on the part of the applicants that consideration could only be given to the siting of a temporary structure for a strictly limited time period, which may not necessarily correlate with the method and timing by which they intend to undertake the building project. The programme of construction work on the steading conversion should be tailored to take account of such a potential limited time period.

28. In relation to this current application, in the event that Members wish to consider the granting of planning permission for the structure proposed, I would advise that a condition is applied clearly restricting the period of the temporary permission to a maximum of two years and also that the applicants enter into a section 75 agreement committing to the complete cessation of use, the immediate removal of the structure from the site and the restoration of that area of the site upon expiry of the period of temporary permission.
29. In conclusion, in making a recommendation to refuse planning permission for the structure proposed as temporary accommodation, it is of a two fold nature. Part A details the recommended reasons for refusal, while Part B recommends that Members authorise appropriate enforcement action seeking the removal of the unauthorised structure from the site within a stipulated time period.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

30. The proposed development does not have any positive implications for this aim. It could however be considered to potentially have an adverse effect on the cultural heritage of the area by virtue of its impact on the setting of the adjacent traditional steading.

Promote Sustainable Use of Natural Resources

31. No information has been provided on the sourcing of construction materials to suggest compliance with this aim.

Promote Understanding and Enjoyment of the Area

32. The development would not assist in 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 steading could be considered to detract from the enjoyment of the area by the general public.

Promote Sustainable Economic and Social Development of the Area

33. The development would not make any positive contribution to the promotion of sustainable economic or social development in the area.

RECOMMENDATION

That Members of the Committee support a recommendation to :

(A) Refuse planning permission for the erection of building for use as temporary accommodation at Urlamore, Tomintoul, for the following reasons :

1. The proposed development by reason of its inappropriate form, character and design features in an open, exposed and highly visible location would be detrimental to the visual amenity, quality and overall character of the local landscape. As such it would be contrary to national planning advice contained in **Planning Advice Note 72 Housing in the Countryside**, particularly its failure to take account of the local characteristics of the area's architectural style of individual buildings and its relationship with other properties in the area, and also contrary to the thrust of **Policy L/Env 7** of the Moray Local Plan which requires high standards of siting and design to safeguard against adverse effects on the landscape character of Areas of Great Landscape Value (AGLV). The development proposal would be injurious to the landscape character of the area and would detract from the general setting, traditional character and cultural heritage value of the existing steading / mill structure on the site, and it would also detract from the enjoyment of the rural qualities of this area by the general public. It is therefore contrary to the first and third aims of the National Park. The proposed development would create an extremely prominent precedent for unsympathetically designed and landscaped new developments in the National Park and in addition would be likely to promote uncertainty and confusion about the design standards operated by the National Park in such a prominent and visible location.
2. The development, by reason of its nature and general construction, is not considered to constitute 'temporary accommodation' and is in fact a dwelling house of a permanent / semi permanent form. Having regard to the site configuration and the proposals to create three residential units within the existing stone structure on the site, the addition of a further unit is considered to constitute inappropriate overdevelopment of this rural site.

(B) Authorise Enforcement Action for the Removal of the Residential Cabin within a Period of 3 months from the date of the Enforcement Notice.

Determination Background

The application was 'called in' by the Planning Committee of the Cairngorms National Park Authority at its meeting of 21st October 2005. The temporary 'cabin' accommodation proposed in this application is required only in connection with the duration of the build process for the conversion of the steading on the site, for which permission is being sought in a separate application (CNPA ref. no. 05/440/CP). Due to this linked significance it was not possible to progress this proposal for temporary accommodation until all matters relating to the associated proposal had been addressed to the extent that would enable a planning report to be progressed to Committee. The final information submitted in connection with 05/440/CP was submitted to the CNPA on 17th March 2006.

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31st March 2006

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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.