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## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title:** REPORT ON CALLED-IN PLANNING APPLICATION

**Prepared by:** NEIL STEWART (PLANNER, DEVELOPMENT CONTROL)

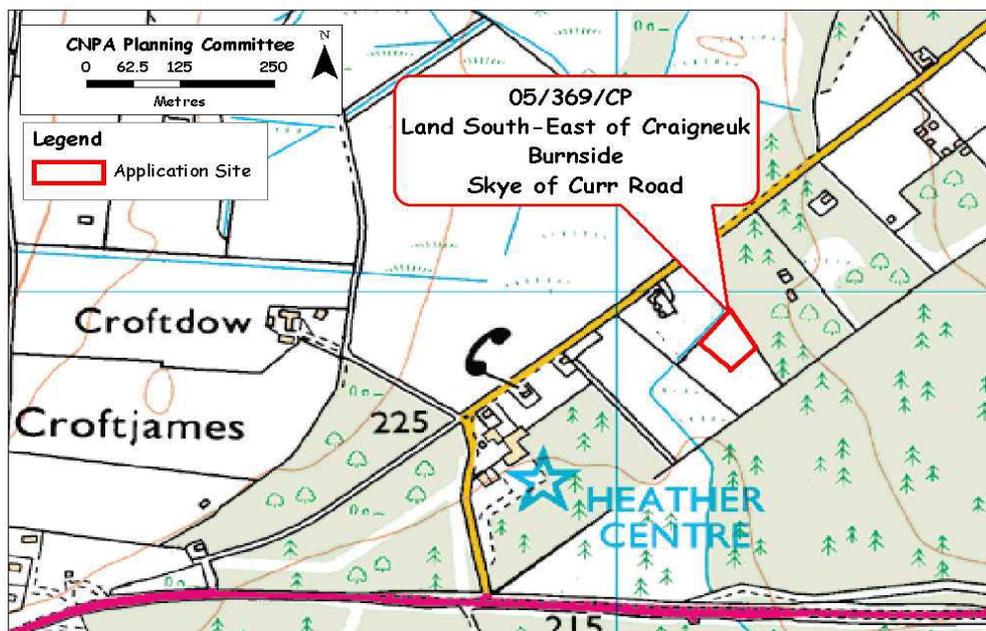
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**DEVELOPMENT PROPOSED:** OUTLINE PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE, LAND SOUTH-EAST OF CRAIGNEUK, (NOW TANLEYS) BURNSIDE, SKYE OF CURR ROAD, DULNAIN BRIDGE

**REFERENCE:** 05/369/CP

**APPLICANT:** MR. BRIAN GRANT

**DATE CALLED-IN:** 26 AUGUST 2005



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**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. Outline planning permission is sought for the erection of a dwellinghouse on land lying to the south east of the Skye of Curr Road which runs from the A95 at the Heather Centre north-eastwards to Dulnain Bridge. Most of the northern half of the Skye of Curr Road is characterised on one or both sides by single house development in a ribbon form. However, about halfway along the road, there has been a scatter of more recent single house development in greater depth on the south-eastern side. This enclave of development is within scattered woodland punctuated by some open spaces.
2. The proposed site which forms part of a croft is located towards the south-western end of the Skye of Curr Road, where development is less continuous, fronts the road, and provides a more rural, open character and appearance. The site itself is sized at approximately 0.5 of an acre. It is flat and uncultivated and is to be accessed by a widening and extension of a track which serves an existing small sewage pumping station. Beyond the site's boundaries to the south and south east, it is enclosed by woodland. The proposed plot is located approximately 90m from the public road. The area where there has been recent scattered single houses built, in depth, is located on the north-east side. On the roadside at the location, there are three houses. One is the original croft house which is known as "Burnside". This is the applicants existing house. Adjacent to "Burnside" on the north-east side is a bungalow formerly known as "Craigneuk" but now called "Tanleys". A third house, which was built more recently, lies adjacent to "Burnside" on the south-west side. There are therefore three houses on the original croft.



**Fig.2. View towards site from road looking south**

3. The applicants have stated that their existing house at "Burnside" is too small for their growing family (two teenage daughters and one 20 month old child). They are also significantly concerned about the safety of their children because of the proximity of Skye of Curr Road to

the existing house (within 2m). They wish therefore to erect a new house suitable for their requirements at a location away from the road.

4. The applicants have planning permission for an extension to their existing house granted by Highland Council under Planning Reference 05/0023/FULBS on 17 February 2005. This proposes an addition to the south-west gable and creates a new kitchen/dining/living area on ground floor and a fourth bedroom in the attic floor.
5. In addition to this planning permission, and of relevance to the current proposal, is a previous application by the applicants to build a house on land immediately to the rear of "Tanleys" (Highland Council Reference 04/0035/OUTBS). This was submitted in February 2004. The CNPA did not call-in the application (it was located in an area where infill development, subject to meeting certain criteria, is permitted in principle, in the Local Plan), nor were comments made. After an initial deferral, this application, which was recommended for refusal by officers, was refused permission by the Badenoch and Strathspey Area Committee. The date of refusal was 14 May 2004. Following this decision the applicants submitted an appeal. This was dismissed on 15 November 2004. The Reporter supported the reasons for refusal which found that the proposal represented a backland situation alien to the character of the area and contrary to policy in the Local Plan which presumes against backland development and small clusters of houses. In addition, there was a refusal reason based on the precedent the proposal would have set.



**Fig.3. View from site looking north-west towards existing houses/road**

## **DEVELOPMENT PLAN CONTEXT**

6. In the **Highland Council Structure Plan 2001, Policy G2 (Design for Sustainability)** advises that proposed developments will be assessed on the extent to which they, amongst other things; are compatible with service provision (water, drainage, roads etc.); are accessible by public

transport, cycling and walking as well as by car; make use of brownfield sites, existing buildings and recycled materials; impact on resources including habitats, species, landscape, scenery, freshwater systems and cultural heritage; demonstrate sensitive siting and high quality design; and contribute to the economic and social development of the community. **Policy H3 (Housing in the Countryside)** states that housing development will generally be within existing and planned new settlements. In countryside areas outwith the hinterland of towns, housing of an appropriate location, scale, design and materials may be acceptable where it supports communities experiencing difficulty in maintaining population and services. In crofting townships, new housing will need to respect the existing pattern of development. **Policy L4 (Landscape Character)** states that regard will be had to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.

7. **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 the light of the subsequently approved Structure Plan of 2001. This document emphasises the point that outwith the hinterland of towns, Policy H3 of the Structure Plan allows for the development of housing in the countryside where it supports the viability of rural communities experiencing difficulties in maintaining population and services. The approval of individual applications would, however, be subject to other Structure Plan policies, including **Policy G2 (Design for Sustainability)**, and in particular those aspects relating to infrastructure, siting, and quality of design and materials.
  
8. In addition, the **Policy Guidelines** state that any proposal for new housing in the countryside associated with land management activities 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. Regard will also be had to whether there is; an existing permission for a house that has not been taken up or developed; evidence of houses or plots having been previously sold off from the holding; or land on the holding that has been identified as an existing settlement. For agricultural purposes, an independent statement of need related to land management will be essential. Justification will be judged against both a functional test (scale and nature of the enterprise) and a financial test (viability of the enterprise). For justification based on croft management it is recognised that a degree of flexibility will be required, for example, in such circumstances it may not be possible to sustain full time employment and this will be taken into consideration in the functional and financial tests. Any application for a house associated with crofting should be accompanied by confirmation from the Crofters Commission of the bona fides of the crofting application. Regard would

also be had to the history of the previous housing development on the croft and the density of development. Any new housing must support and respect the traditional settlement pattern and not compound sporadic suburban type development.

9. In the **Badenoch and Strathspey Local Plan 1997**, the site **lies outwith** the boundaries of the **Skye of Curr Settlement Policy Area** where **infill** housing is supported in principle subject to meeting certain criteria. **Policy 4.11.1. (Infill)** therefore states that scope exists for a maximum of 15 further dwellings, but that development should comprise; buildings held tightly to the margins of the township road to reinforce the established settlement pattern; houses orientated with main ridges parallel to the road and building lines established by neighbouring properties; plots with a minimum frontage of 35m to give reasonable separation between properties and retain the prevailing low density character; and extra layby/passing places provided at appropriate locations by developers. There is also a presumption against backland development or small clusters of houses. The settlement statement for Skye of Curr provides a list of **principles** for this traditional crofting community. These are to; maintain the settlement's linear character; safeguard adjoining rural land uses and amenity; and provide for expansion of commercial facilities (The Heather Centre).
10. **The site itself lies in an area where Policy 4.13.1. (Rural Uses) applies. This policy states that better inbye land and forestry adjoining the community will be safeguarded.** Also within the **Badenoch and Strathspey Local Plan, General Policy 2.5.15. (Settlement Edges)** states that in order to protect their identity and setting, and promote the orderly development of allocated land and supporting infrastructure, areas adjoining existing settlements will be protected from sporadic development. This does not though include development or activities for which there is an operational requirement associated with the working of the land for agriculture or crofting purposes or related diversification.
11. **For information purposes only, the CNPA Consultative Draft Local Plan** defines Skye of Curr as a settlement and as such draws a settlement boundary around perceived existing development boundaries. It states that the Local Plan should seek ways to concentrate development within the boundaries in order to consolidate the community. The surrounding areas are of high landscape and environmental value, and any new developments should not compromise the scenic beauty or special qualities of the area. Dulnain Bridge and Skye of Curr are the only "zoned" areas within the community district; outwith this the General and Topic Policies will apply. **Policy Recommendation H3** states that infill sites may be available within the Dulnain Bridge and Skye of Curr settlement boundaries; any proposals should reflect the existing house positions and scale/spacing/density. Proposals should be for single house

developments. The proposed site, however, remains **outwith** the settlement boundary and therefore on land covered by **General Policy 1**. This does state that development will be permitted if it is unlikely to have a significant adverse effect on the aims of the National Park or any of its special qualities. Where it is concluded that there would be adverse effects on the aims, any special qualities or public health or amenity, it will only be permitted where it is considered that these would be outweighed by social or economic benefits of national importance. **Topic Policy 39 (Proposals for Housing Outwith Defined Settlements)** states that outwith established settlement boundaries proposals for new houses will be favourably considered where the proposal complies with at least one of three criteria. These are; the applicant has lived and/or worked in the area for at least 3 years, and are currently un-/inadequately housed; the proposal can be justified as essential to house worker(s) for long term economic activity which is specific to that locality, with a full reasoned case why housing elsewhere is not suitable – occupancy conditions will be required; or the proposal is for a new house which will be linked by a section 75 agreement to the active management of a crofting/agricultural unit or other land-based industry based in the specific locality. In each case, the application must be for a single house for permanent occupation and must either join an existing group of at least three houses; or be sited to complement the existing pattern and character of development.

## CONSULTATIONS

12. **Highland Council's Area Roads Manager**, has recommended that conditions be attached to any planning permission granted. These relate to; the creation of visibility splays at the junction of the proposed access and the public road (may involve works within neighbouring properties); gates being set back 6m from the edge of the public road; provision of adequate on-site parking and manoeuvring space; and no discharge of surface water onto the public road.
13. **Scottish Water has formally objected to the application**. They state that the objection can be deemed to be withdrawn if the Planning Authority attaches a condition to any permission granted which states that *"No development shall commence until evidence is exhibited to the Planning Authority that an agreement has been reached by the applicant with Scottish Water for the provision of a drainage and/or water scheme to serve the development."* They go on to state that the proposed development lies within the water catchment area for Blackpark Water Treatment Works, therefore, Scottish Water **objects** because the application may prejudice their ability to supply potable water. They will, however, remove their objection if the applicant can demonstrate that the development will not have an impact on their assets, or that suitable infrastructure can be put in place to support the development. It is also stated though that, at the time of writing, (August 2005) the foul sewer network assets had adequate capacity to

accommodate the development but that connection is dependent on the spare capacity at the time of application for a connection.

14. **Highland Council's Acting Area Planning and Building Standards Manager** has provided comments on the history of the applicants proposal for a house here, and some views on the current proposal. He confirms that he judged the previous application which was situated close to the rear of "Tanleys", as being backland and therefore contrary to Local Plan policy. As such he confirms he recommended refusal. He states that eventually the Badenoch and Strathspey Area Committee agreed the recommendation but it was clear at that stage that there was considerable sympathy for the applicant and a desire to perhaps positively consider a proposal which would not represent such a clear breach of the Local Plan, particularly having regard to previous decisions nearby. He also notes though that the reporter in dismissing the appeal, expressed surprise about the pattern of some of the approvals on the land to the north-east. Members of the Committee were also influenced by the depth of the "infill" policy area on this north east side, as shown on the Skye of Curr settlement map in the Local Plan.
15. Following the refusal and the dismissed appeal, on site advice was given to the applicant by the **Acting Area Planning and Building Standards Manager**. This advice was based on three considerations. These were; the greater depth of infill housing zoned to the north-east of the current site was included in the Local Plan because, historically, there was established development set back further from the road at this location; notwithstanding that pattern of set back, the Area Committee had allowed the owners of one of the crofts to the north east to have both further infill development set well back from the road **and** closely spaced roadside development; and that on a number of occasions, planning permission, had been allowed to "stretch" the boundary of the infill zone, on this north east side, into the woodland to the south east (which still formed part of the crofts at this location).
16. The advice therefore given at that time by the **Acting Area Planning and Building Standards Manager** to the applicant, was that to avoid backland development, any new house on the croft should be separated from the existing roadside houses by a belt of undeveloped land retained in crofting use. Although accepting that it would intrude into the area subject to Policy 4.13.1, to achieve a suitable gap, it was felt that it may be reasonable to support an easing of the infill zone edge, in a similar way to previous decisions to the north east, by choosing the current site. This was also based on the view that the actual land was not considered to fit the description of the policy which requires the "protection of the better inbye land". As such, the advice given concluded that an application for a single house on the current site could not be regarded as backland, and that while the final decision on whether or not to approve it as a departure from the Local Plan would rest with the Area Committee, such a decision would seem to be

consistent with previous decisions permitting the development in this area, to “step over” the zoned boundaries.

17. In addition, the **Acting Area Planning and Building Standards Manager**, has also stated that “Tanleys”, which has been sold on, was built as the croft house but that the applicant had not previously suggested to him that the land was actively used as a croft or that he would seek to use that as justification for a grant of permission. Had that justification been offered then the Crofters Commission would have been consulted. This would not have been the first occasion that croft land had become detached from its croft house and had that justification been offered, he might well have recommended that a Section 75 Agreement prohibiting further housing development on the remainder of the croft land be required as a pre-requisite of granting permission for the current application.
18. **The Crofters Commission** have stated in their consultation response, that the applicant contacted them to see if they would support his application for a replacement house. The applicant advised them that the house he currently occupies with his family is too small and unsuitable for further conversion. There is currently little crofting activity, but the applicant has advised them that he intends to develop the croft along traditional livestock and cropping activities. The Commission state that when considering planning applications for housing they look firstly at the crofting requirements, the family requirements and then the community requirements, in that order. In all cases, they address these issues in their assessment for crofting need particularly in their responses to single house applications. **They state that there is no operational need for a new house from a crofting aspect, however from a family need there is clearly a need for a new house.**
19. At the time of issuing this report, **the Dulnain Bridge Community Council** have not provided a written response. However, they have stated, verbally, their general support for the applicant and his proposal, on the basis, that he is a local man with a young family who wishes to remain in the community, and build a new house on crofting land which has been in his family for a considerable period of time. **Any further response will be reported/copied to the Committee on the day.**

## REPRESENTATIONS

20. The application was advertised as a “**Development Contrary to the Development Plan**” by Highland Council on 17 August 2005. No letters of objection have been received. However, the applicant has submitted two letters in support of the application. One of the letters encloses a copy of the reporters appeal decision on the previous

application which the applicant has highlighted. The points raised in these letters include:

- need for new larger house because existing house too small for their family requirements – explanation of current accommodation difficulties.
- concern about proximity of existing house to the public road and therefore road safety worries about the children.
- only stretch of the road at Skye of Curr outwith the 30mph speed limit.
- road used by delivery lorries and coaches.
- previous application refused because backland development – proposed site is only suitable one.
- other houses nearby have been built further back from the road and Highland Council Planning Department suggested the proposed site.
- existing house is not the croft house and Crofters Commission are supportive of a new croft house being erected to take care of any future crops.
- explanation of history of house development on the croft.
- approved extension to the existing house is now viewed as too small for their requirements.

21. **Copies of these letters and enclosures are attached to the report.**

## **APPRAISAL**

22. There are a number of issues that require assessment in the determination of this planning application. These include, the principle of a house on this particular site in terms of planning policy, need, history and pattern of development on the croft and in the area, and precedent, the proposed access to the site, and the provision of servicing infrastructure to serve the development.

### **Principle of House**

23. The starting point for this assessment is the policy context. The Badenoch and Strathspey Local Plan, which remains the statutory localised development plan for the area, does not include the proposed site within the settlement boundary of Skye of Curr where single houses on infill plots can be accepted in principle. **The site lies in an area covered by a restrictive policy (4.13.1.). This states that the “better inbye land and forestry adjoining the community will be safeguarded.”** In purely land use planning policy terms therefore, **the proposal does not comply in principle. This is the reason why it was advertised as a “Development Contrary to the Development Plan” by Highland Council.**

24. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires the determination of planning applications to be made in accordance with the provisions of the development plan unless material considerations indicate otherwise. As stated above, it is clear to me that the development does not comply with the provisions of the development plan but in this case it is necessary to consider other material matters.
25. The first consideration is that of need. The site is on a registered croft and it is stated that the applicant's existing house, "Burnside" was the original croft house which became derelict when the new croft house (formerly "Craigneuk" now "Tanleys") was built in 1986. "Tanleys" was subsequently sold off and the applicant's letters provide the reasons. A third house was subsequently built on the croft in 2002 and sold to help finance the applicant's reinstatement/renovation of "Burnside". There are therefore three houses on the croft located adjacent to the road but within the infill settlement policy area in the Local Plan. The croft is not actively worked at present by the applicant and no crofting management need has been submitted. A request for written justification for the house in terms of active crofting need has been made but no submissions in this respect have been submitted. The Crofters Commission have also stated that there is no operational crofting need. It is noted that no crofting management justification was submitted at the time of the previous application either and therefore it did not form part of the considerations at that time. Written confirmation has also been sought from the applicant about the nature of his employment in the area but again no written explanation has been submitted. However, from discussions with Mr. Grant, it is understood that he is involved in a joinery/contractors business, working in the local area. It is also the case that, despite a request, the applicant has not confirmed whether he feels that he could enter into any kind of occupancy restriction on the property if this was seen as being necessary.
26. While there is no demonstrable crofting land management need, the applicant has explained in his supporting letters, a personal need case for a new larger house, located away from the public road. You will note the Crofters Commission are persuaded by the perceived family need. In this respect, however, it should also be noted that he has a recent planning permission for an extension to his existing house at "Burnside" and while the rooms would still be quite small, it does allow for the creation of a 4 bedroomed dwelling. While it is open to the Committee to consider this personal case, these personal reasons, in my view, are not considered to be of such a significant material weight, to justify departing from the extant land use planning policy for the area which safeguards the site.
27. The second material consideration is that of the history and pattern of development in the area. A detailed critique of the history and pattern of development along the Skye of Curr Road was provided by the

Acting Area Planning and Building Standards Manager in one of his reports to Committee on the applicant's previous application. In this context, of importance to the current proposal in particular, is the area to the north-east where development has been permitted in a greater depth, not necessarily on the margins of the road, as required by the criteria in the infill policy. It is the case that the Local Plan does provide a greater depth in the infill housing zone at this location but this is because, unlike elsewhere along Skye of Curr Road, there was already well established development in depth set back from the road. The landscape character of the area is also viewed as different in this location to other areas along the road because it is characterised by open spaces broken up by woodland on croftland, some of which extends down to the road edge. On this basis, Highland Council have permitted further infill development, on open spaces and within treed areas, some of which is set back from the road, and some of which is not necessarily in line with the policy criteria or the boundaries of the infill zoning. It is on this basis, that the applicant feels the positioning of his proposed house falls in line with the pattern and history of development in the area.

28. It is accepted that the proposed site does allow for an acceptable level of separation from the existing houses on the applicant's croft and that the previous concern about immediate backland development is lessened. The situation in the area to the north-east of the proposed site is also acknowledged, but as stated above there are reasons for the greater depth of development in that area. I do not believe that these reasons justify acceptance of a house on this site or act as a similar precedent for the current proposal.
29. Firstly, the infill policy zone in the Local Plan at the applicant's croft and stretching down to the Heather Centre reverts back to a narrower depth reflecting the more linear pattern of established development close to the road at this location. Secondly, several of the previous approvals to the north-east are still within the infill policy zone, unlike the proposed site. Thirdly, there is a distinct change in the landscape character at the boundary of the applicant's croft and the land to the north-east, beginning at "Newton". Land at the applicant's croft, including the proposed site, takes on a more open, rural, appearance and character which extends south-westwards down the Skye of Curr Road. This change in character is acknowledged in Paragraph 9. of the reporters decision notice which dismissed the previous appeal. It states "*...I find it difficult to see how the developments recently authorised to the north-east of the appeal site could be squared with the development plan policy as presented in the Council's submissions. However, the open ground of the former croft at "Newton", together with a much greater degree of woodland cover to the north-east, marks a distinct change in the character between the area being haphazardly developed in depth and the more rural south-western part of Skye of Curr Road which includes the appeal site, and where development is confined to the roadside.*" From this, I do not see that the history and pattern of

development in Skye of Curr justifies acceptance of a house in a position which does not fit with the terms of the extant land use policy designation for the site.

30. Finally, in terms of material considerations, there is the issue of precedent. As expressed above, I do not feel that the nature of the haphazard development in depth to the north-east of the proposed site, acts as an acceptable or similar precedent for the current proposal. If the current proposal was approved, then this would be the first single house built in such a position on land which is considered to be of a different, more open rural character to that to the north-east. There would certainly be scope to build further houses in depth, on the open land to the south-west. If developed in a similar haphazard way, to the land to the north-east (the reporter described this as giving the impression of an *“incomplete, low density, suburban enclave”*) I am in doubt that because of its more open, rural nature, there would be a significantly detrimental impact on the character and appearance of this part of Skye of Curr. It would also lead to a reduction in the amount of inbye croft land at the location thus reducing the possibility of re-creating active crofting activities in the location. I take the view therefore that granting permission would set an undesirable precedent in this instance. In this respect, it is interesting to note that, notwithstanding his comments made on this application, the Acting Area Planning and Building Standards Manager, in one of his reports to the Committee on the previous application stated *“The greater depth shown from “Newton” north-eastwards reflects the different character zone of scattered development in depth. As indicated earlier, this development in depth is of historic origin and I do not believe that it would be prudent to encourage its extension beyond existing limits with new housing development. There would be no obvious visual or landscape logic to limiting such an exception to the present applicant and such an approval could set a dangerous precedent, encouraging further applications for development in depth.”*

### **Access to the Site**

31. The Area Roads Manager has no objections to the proposal. However, this is subject to conditions, including the creation of standard visibility splays of 3m by 90m. Bearing in mind that there is no reduced speed limit at this location, I take the view that creating the splays are important in this instance. The Area Roads Manager suggests that to create the splays, land in the control of neighbouring properties, may be required. I have requested confirmation from the applicant on this but no information has been forthcoming. Having looked at it on site, and measured it on a scaled plan, it appears that a small part of neighbouring land either side would be required. Without a clear demonstration of how these splays would be formed and thereafter retained in perpetuity, it is not possible to support the access proposals at this stage.

## **Water and Drainage**

32. Scottish Water have formally objected to the proposal. They have stated that public foul water infrastructure is available for the development but that there is no public water supply due to the constraints at the Blackpark Water Treatment Works. They do, however, state that this objection can be removed if the developer can demonstrate that the development will not have an impact on their assets or suitable alternative infrastructure can be put in place. The applicant proposes to link to the public supply. To be consistent with other recent decisions made in relation to this matter, it is not possible to support the proposal because of the lack of water infrastructure at this stage.

## **Conclusion**

33. Two of the Local Plan priorities for Skye of Curr are to maintain the settlements linear character, and to safeguard adjoining rural land uses and amenity. Notwithstanding the fact that some encouragement has been given by Highland Council to the provision of a house on this site, taking account of these priorities, the aims of the National Park, and all of the above, I cannot find support for the proposal.

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

### **Conserve and Enhance the Natural and Cultural Heritage of the Area**

34. There are no natural heritage designations on the site. Neither are there any physical features of cultural heritage interest. Nevertheless, the proposal is on land which is not zoned for development but is safeguarded because of its rural use as inbye land which contributes to the character of the Skye of Curr crofting community. The development would act as an undesirable precedent for further incremental development on remaining inbye land nearby. In my view this would have adverse visual and landscape impacts and would erode the natural and cultural heritage of this crofting township.

### **Promote Sustainable Use of Natural Resources**

35. At this stage, the proposal does not raise any significant implications for this aim.

### **Promote Understanding and Enjoyment of the Area**

36. The proposal raises no issues in respect of this aim.

## **Promote Sustainable Economic and Social Development of the Area**

37. The need for the house is promoted on the basis of personal circumstances and no crofting land management justification has been submitted or is supported by the Crofters Commission. The applicant is local and as I understand it, is locally employed. To the best of my knowledge, his family have owned the croft for many years. He also has a young family. In this respect, there may well be some social and economic benefits for the applicants. However, there are no specific land use planning policy reasons which support the development and the applicant has a house on the croft which he has permission to extend.

## **RECOMMENDATION**

38. That Members of the Committee support a recommendation to:

**Refuse Outline Planning Permission for the Erection of Dwellinghouse, at Land to South-East of Craigneuk (now Tanleys), Burnside, Skye of Curr Road, Dulnain Bridge, for the following reasons:**

- 1. The proposed site lies outwith the settlement boundaries of Skye of Curr, on land adjoining the community, where the Badenoch and Strathspey Local Plan 1997, Policy 4.13.1. (Rural Uses), provides a safeguard against development which would impact on adjoining rural uses such as better inbye land and forestry. As such the proposal is considered contrary to Policy 4.13.1. (Rural Uses) of the Badenoch and Strathspey Local Plan 1997. In addition, no crofting land management justification for an additional dwellinghouse on this croft has been demonstrated, as required by Highland Council Development Plan Policy Guidelines, April 2003 (Land Management Criteria for Housing in the Countryside).**
- 2. The site and adjoining land to the south and south-west represent an open, rural landscape character zone, different to the land to the north-east. To permit the erection of a dwellinghouse in this position will encourage other similar developments to the south and south-west, which would have a cumulative, detrimental impact on the setting, identity, character and appearance of the area, contrary to the stated principles and priorities for development at Skye of Curr, and Policy 2.5.15 (Settlement Edges), as contained in the Badenoch and Strathspey Local Plan 1997. In this respect the proposal is considered to have negative implications for the first aim of the National Park which is to**

conserve and enhance the natural and cultural heritage of the area.

3. The proposal fails to demonstrate that a suitable, safe access, in terms of the formation and retention of visibility splays at the junction of the proposed access and the public road, can be provided to the standards required by Highland Council's Area Roads and Community Works Manager.
4. Due to the current constraints on the public water infrastructure at the Blackpark Water Treatment Works, and the fact that there are no proposals for an alternative supply, the proposal fails to demonstrate that the dwellinghouse can be served by an adequate potable water supply. As such, the proposal is considered to be contrary to Highland Council Structure Plan Policy G2 (Design for Sustainability) which seeks to ensure that developments are compatible with service provisions in the area.

### **Determination Background**

The application was called-in on 26 August 2005. A site meeting took place on 4 October and a letter to the applicant stating our position on the application at that stage, and requesting further information on need, employment status, occupancy restrictions, access etc. was sent on 10 October 2005. No further information was received. A further letter was issued on 30 January 2006, seeking a response and asking whether the applicant wished to proceed, bearing in mind the planning permission for his existing house extension. No further response was received until the letter of representation dated 27 March 2006 (copy attached). A written response from the Crofters Commission has only been received on the day of the issue of this report (3 April 2006).

**Neil Stewart**  
**3 April 2006**

[planning@cairngorms.co.uk](mailto: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.