
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: OUTLINE PERMISSION FOR THE ERECTION OF A DWELLING HOUSE ON LAND 35 METRES SOUTH OF KINAKYLE, DULNAIN BRIDGE, GRANTOWN ON SPEY

REFERENCE: 07/443/CP

**APPLICANT: MR. AND MRS. G.A. GRANT,
KINAKYLE, DULNAIN BRIDGE,
GRANTOWN ON SPEY.**

DATE CALLED-IN: 16TH NOVEMBER 2008

RECOMMENDATION : GRANT WITH CONDITIONS

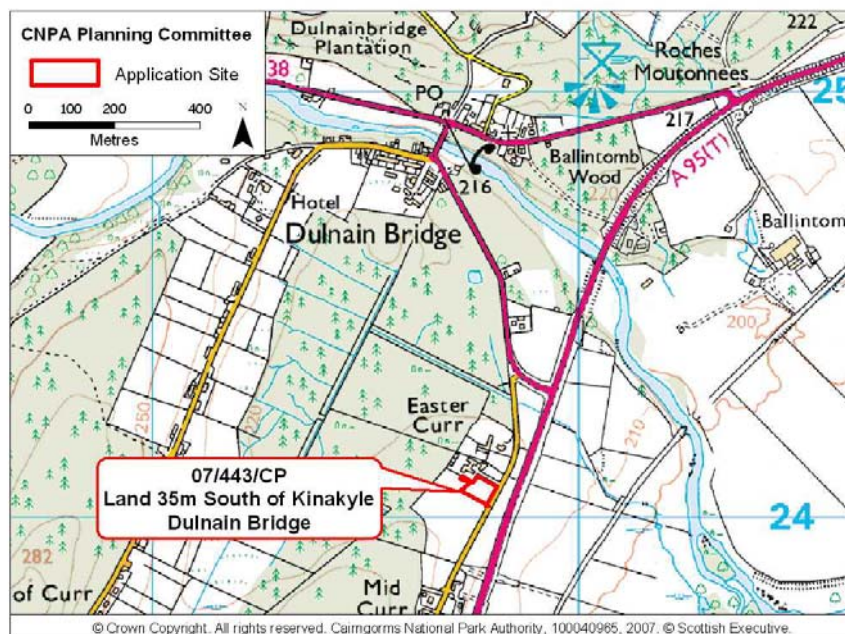


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Outline permission is sought in this application for the erection of a dwelling house on land which is located adjacent to a property known as Kinakyle, south of Dulnain Bridge. The proposed site extends to approximately 2,800 square metres and is located on a 14.4 hectare croft which is owned and operated by the applicants. The landholding extends eastwards in a linear block, but is divided into several fragmented parcels of land by the former A95, the existing A95 trunk road and the former railway line to Granttown on Spey.
2. The applicants existing residence (Kinakyle) is located immediately adjacent to the north of the site and is a one and a half storey, traditional stone built dwelling house, quite elongated in form and incorporating feature bay windows at ground and upper floor level. A traditional U shaped steading, primarily of stone construction, also exists adjacent to the existing dwelling and the proposed site and I understand that it is used at present in connection with land based activities on the landholding. A prior notification for agricultural consent for a polytunnel was submitted to Highland Council¹ in June 2006 and relates to land immediately to the rear of the subject site. The polytunnel was required to assist with the growing of fruit and vegetables on the croft.



Fig. 1 : Proposed site with 'Kinakyle' and the existing agricultural outbuildings on adjacent land.

3. The proposed site is part of a larger agricultural field, which is relatively level. The boundaries of the field mainly comprise of post and wire fencing with little existing vegetation, thereby resulting in quite a high degree of visibility from the surrounding area, particularly for users of the nearby A95, especially those travelling northwards on a downhill approach towards the area. The old A95 runs immediately adjacent to the subject site for a distance of approximately one kilometre, with access onto the existing A95 at either end. In addition to serving the existing dwelling house and outbuildings at Kinakyle, the old road also provides access to five other residential properties.

¹ Details of the prior notification application were notified to the CNPA - CNPA planning ref. no. 06/228/CP refers.

4. As this is an application for outline permission, a detailed site layout plan has not been submitted at this stage. The site plan simply identifies the proposed site boundaries and provides a general indication of the position in which the dwelling house might be situated. The applicants have expressed a preference that the proposed site would have direct access onto the public road, rather than utilising the existing driveway on adjacent land which serves Kinakyle. The applicants make the point in their submission that the adjacent public road only serves 6 dwelling houses and that the proposed new access would be on a straight section of the road where unhindered visibility could be achieved.

The Applicant's Case

5. Having regard to the fact that the subject site is located within a Restricted Countryside Area as identified in the existing Badenoch and Strathspey Local Plan (1997), the applicants have provided some supporting information regarding the background to the proposal. The croft / landholding has been in the ownership of the applicants family for several generations. Mr. Grant's uncle owned it until 1987 and during that time, Mr. Grant assisted him on the land on a part time basis. Mr. and Mrs. Grant subsequently purchased the land and buildings in 1987² and have been actively engaged in working it since then. Mr. Grant now wishes to retire from the croft and the proposed new dwelling house is required for the applicant's retirement. The applicant's son, Martin Grant, would take over and work the landholding, with Mr. Grant senior continuing to assist him as long as he is physically able to. Martin Grant and his fiancée would occupy the existing dwelling house, from where they hope to run a Bed and Breakfast establishment at some time in the future, whilst continuing to operate the landholding. The applicants have confirmed that there are no other suitable options for residential accommodation on the landholding. They have also consented to enter into a Section 75 legal agreement if required and are willing to restrict the occupancy of the proposed new dwelling house and also restrict its sale separate from the landholding.

DEVELOPMENT PLAN CONTEXT

National Policy

6. At national level, **Scottish Planning Policy 3 (Planning for Housing) (February 2003)** considers design in new housing developments to be an important issue when planning for housing development in both urban and rural areas. **Planning Advice Note 44 (Fitting New Housing Development into the Landscape) (March 1994)** states that

² The existing dwelling house, Kinakyle, was decrofted in order to enable Mr. and Mrs. Grant to take out a mortgage on the property.

“In seeking to protect and enhance the quality of the environment, developers should aim for a high standard of design and landscaping in new housing development.” Particular emphasis is given to the shape, layout and form of the development and its impact on the surrounding area; the choice of materials, with colours and textures that complement development in the locality; well designed schemes that respect both the local environment and the landscape setting; and the visual impact of new developments as seen from major roads and rail routes.

7. **Planning Advice Note 67 (Housing Quality) (February 2003)** emphasises the essential role that the planning process can play in ensuring that the design of new housing reflects a full understanding of its context in terms of both its physical location and market conditions; the design of new housing reinforces local and Scottish identity; and new housing is integrated into the movement and settlement patterns of the wider area. It refers in the main to more urban housing developments but it nonetheless emphasises the importance of general issues such as landscape and visual impact, topography, building height, relationship with adjacent development, and views into and out of a site.

8. **Planning Advice Note 72** is the most recent 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.” In its concluding remarks, it states “Every settlement should have its own distinctive identity. This is determined in part by the local characteristics of the area's architectural style of individual buildings and the relationship of these buildings to each other.”

9. **Paragraph 13 of NPPG 14 Natural Heritage** recognises that the scale, siting and design of new development should take full account of the character of the landscape and the potential impact on the local environment. Particular care is needed in considering proposals for new development at the edge of settlements or in open countryside.

Highland Structure Plan 2001

10. **Policy H3** of the Structure Plan states that housing will generally be within existing and planned new settlements. New housing outwith this will not be permitted unless it can be demonstrated that it is required for the management of land and related family purposes. **Policy L4 Landscape Character**, states that the Council will in the consideration of development proposals have regard to the desirability of maintaining and enhancing present landscape character. **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) and impacts on resources such as habitats, species, landscape, cultural heritage and scenery.

Badenoch and Strathspey Local Plan (1997)

11. The Landward 'Housing in the Countryside' strategy identifies the land in question as a Restricted Countryside Area. Accordingly, section 2.1.2.3 of the 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.

Highland Council Development Plan Policy Guidelines (2003)

12. The Highland Council produced Development Plan Policy Guidelines dealing specifically with 'Housing in the Countryside' in 2006. The Cairngorms National Park Authority was not consulted on the guidelines. In view of the lack of involvement in the formulation of the guidelines and the eminence of the Local Plan for the Cairngorms National Park a decision was taken by the CNPA Planning Committee in January 2006 not to adopt the 2006 Guidelines. Accordingly the **Development Plan Policy Guidelines (2003)** remain applicable in the assessment of applications called in by the CNPA.

13. The 2003 Development Plan Policy Guidelines include a specific section on 'Land Management Criteria for Housing in the Countryside' (of which the basic thrust is very similar to the aforementioned 2006 guidelines). The guidelines require that any case advanced for new housing in the countryside associated with land management activities must demonstrate that a sequential approach to the identification of the need for that house has been followed. The sequential approach requires consideration of alternatives such as the potential to use existing accommodation in the area or the renovation or replacement of an existing house. In assessing an application it is also stated that "the Council will consider 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 farm holding; or land on the farm holding that has been identified as an existing settlement.”

Cairngorms National Park Plan (2007)

14. The Park Plan 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 Strategic Objectives in relation to housing refer to the need to ensure greater access to affordable and good quality housing in order to help create and maintain sustainable communities. A further strategic objective is to improve the quality, energy efficiency and sustainable design of housing in all tenures throughout the Park. It is expected that housing developments would be consistent with or enhance the special qualities of the Park through careful siting and design.
15. In terms of ‘Conserving and Enhancing the Natural and Cultural Heritage’ the National Park Plan includes a number of objectives in relation to Landscape, Built and Historic Environments. Strategic Objectives include maintaining and enhancing the distinctive landscapes across the Park and ensuring that development complements and enhances the landscape character of the Park. Of particular relevance to the current proposal are the strategic objectives relating to the built environment, which require that “new development in settlements and surrounding areas and the management of public spaces should complement and enhance the character, pattern and local identity of the built and historic environment” and to “understand and conserve the archaeological record, historic landscapes and historic built environment.”

CONSULTATIONS

16. The **Area Roads and Community Works Division** of Highland Council has assessed the proposal and recommend that a number of conditions be attached in the event of the granting of planning permission. Many of the recommended conditions are of a standard nature and include the achievement of required visibility standards and the provision of on site car parking and manoeuvring space.
17. The initial consultation response from the **Area Roads and Community Works Division** also recommended an upgrading of the existing access serving Kinakyle, in order to serve the proposed development. However, the applicants preference for a separate independent access to serve the new dwelling house was later

considered. It is the view of roads officials that it is generally preferable in rural situations, where possible, to limit the number of accesses connecting to a public road. However, in this instance, it was accepted that the public road (former A95) serving the proposed site is lightly trafficked, and there is no objection to the provision of a suitably located new access, provided that the existing access is also upgraded in accordance with the initial recommendations.

18. The development proposal has been examined by the **Archaeology Section** of Highland Council and there is no objection to the proposal, nor are any conditions recommended to be attached to any grant of planning permission.
19. **Dalnain Bridge Community Council** was consulted on the proposal. However, no response has been received to date.

REPRESENTATIONS

20. No representations have been received in respect of the development proposal.

APPRAISAL

21. There are a number of issues to consider in this application, including the principle of a new dwelling house in this restricted countryside area, the suitability of the proposed site in terms of general siting, visual impact, amenity and road access.
22. As referred to in the Development Plan Context section of this report the proposed development is located in a 'restricted countryside area' where there is a strong presumption against the development of houses, except in instances where the house is essential for the management of land, related family and occupational reasons. Paragraph 5 of this report provides details of the background to the proposal. The applicants are retiring from full time involvement on their landholding, although Mr. Grant will continue to assist his son on a part time basis in the operation of the landholding. The applicant's son is returning to the area and will assume responsibility for the operation of the landholding at Kinakyle, and he and his fiancée would take up residence in the original farmhouse.
23. The applicants are willing to enter into a legal agreement restricting the residency of the new dwelling house, as well as restricting its sale separate from the rest of the landholding. On the basis of the information provided there is adequate justification to warrant the proposed dwelling house being treated as an exception, which would allow consideration to be given to the granting of planning permission for a dwelling house in this Restricted Countryside Area.

24. Section 2.1.2.3 of the **Badenoch and Strathspey Local Plan 1997** requires “adherence to the principles of good siting and design” in all cases. As an application for outline planning permission, a detailed site layout plan has not been provided, although an indication has been given of the intention to site a dwelling in a relatively central position with the proposed site. I find this to be acceptable, as it would allow adequate space to provide an access and driveway, on site car parking provision and well distributed areas of private open space to the front, side and rear of any dwelling house. As alluded to in earlier sections of this report the land is generally level, although having quite a degree of visual exposure, particularly on approaching from higher ground in south. However, I do not consider that an appropriately designed dwelling house at this location would form an obtrusive feature in the landscape. It would be within relatively close proximity to the existing house and outbuildings at Kinakyle and would essentially read as part of a relatively compact group of buildings. The level of exposure of a new building in this location could also be further minimised by a scheme of appropriate landscaping. In the course of pre-application discussions with the CNPA the applicants provided an example of the type of property which they hope to build. The sample proposal was for a single storey dwelling, of modest scale and incorporating many traditional elements.
25. In terms of the general siting and layout, I consider that the proposal is in accordance with the advice contained in **PAN 72 on Housing in the Countryside**, although the full impact of the development cannot be assessed in the course of an application for outline permission. The purpose of **PAN 72** is to “create more opportunities for good quality rural housing which respects Scottish landscapes and building traditions” and the proposed development cannot be fully gauged against this in the absence of design details for the dwelling house. It is therefore recommended in the event of the granting of planning permission that a detailed condition be included encouraging a high quality design specific to the proposed site, and which would be capable of establishing a good visual relationship with existing properties in the surrounding rural area.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

26. Other than its location within the Cairngorms National Park, the subject site is not affected by any other natural heritage designations. The construction of a new dwelling house at this location is not considered to have any negative impact on the conservation of the natural or cultural heritage of the area.

Promote Sustainable Use of Natural Resources

27. As this is an application for outline permission no details of house design or materials have been submitted and it is not therefore possible to assess whether or not the development would promote the sustainable use of natural resources.

Promote Understanding and Enjoyment of the Area

28. The development proposal does not make any particular contribution towards the achievement of this aim.

Promote Sustainable Economic and Social Development of the Area

29. A case has been put forward for the proposed dwelling house on the basis of family purposes related to the management of land and as such could be considered to promote a form of social development in the area. In addition, the motives behind the applicants wish to develop a new dwelling house i.e. to allow their son to reside at the existing dwelling house in conjunction with assuming responsibility for the operation of the landholding, could be considered to assist in ensuring the on-going economic development of agricultural activities in this area.
30. However, the location of an additional house in the countryside has the potential to add to servicing costs for the local community in terms of services such as school transport, refuse collection, fire and health etc and would tend to promote reliance upon the private car.

RECOMMENDATION

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

Grant outline planning permission for the erection of a dwelling house on land 35 metres south of Kinakyle, Dulnain Bridge, Grantown on Spey, subject to the completion of a S75 Legal Agreement which restricts the occupancy of the new dwelling house to the applicants or any person employed (or last employed) in agricultural activity on the 14 ha. landholding on which it is proposed and restricting the sale of the proposed dwelling house separate from the landholding, and also subject to the following planning conditions:-

1. A formal planning application and detailed plans indicating all matters relating to the siting, design and external appearance of all buildings shall be submitted for the prior approval of the Planning Authority within 3 years of the date of this consent and the development must be commenced within 5 years of the date of this permission or within 2 years from the date of final approval of all the foregoing Reserved Matters.

2. The proposed dwelling house shall be designed in accordance with the traditional vernacular architecture of the area and shall be a maximum of 1 ½ storeys in design, and shall incorporate the use of external materials that visually compliment existing properties in the wider area.
3. An application for approval of reserved matters shall be accompanied by a detailed landscaping plan and a maintenance plan for the proposed site and the associated landholding, which shall include
 - (i) proposals for the planting of semi mature trees and shrubs of indigenous species on the boundaries of the overall area;
 - (ii) details of all other types of new boundary treatments proposed; and
 - (iii) details of all surface treatments.

The landscaping and maintenance programme shall be implemented and maintained in accordance with the approved plan. The plan shall include details of the siting, numbers, species (which shall be appropriate to the proposed setting) and heights (at the time of planting) of all trees, shrubs and hedges to be planted and shall ensure:-

- (a) Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the Planning Authority;
 - (b) The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
4. Prior to any other works starting in connection with the proposed development, the works listed in the following paragraphs shall be completed and approved by the Cairngorms National Park Authority acting as Planning Authority, in consultation with the Area Roads and Community Works division of Highland Council : -
 - (a) the existing access shall be upgraded and generally formalised to the satisfaction of the Planning Authority in consultation with the Roads Authority. Construction for the first 6 metres measured from the nearside edge of the public road shall consist of 40mm thick Close Graded Wearing Course on 60mm Dense Basecourse on 350mm thick Type 1 sub base; all on a sound formation. Thereafter construction shall consist of 350mm thick well bound Type 1 sub base on a sound formation. The same standards apply to the construction of proposed new access;
 - (b) visibility splays shall be provided and maintained on each side of the existing access and the proposed new access. These

splays are the triangles of ground bounded by the first 2.5 metres along the centreline of the access road (the X dimension) and the nearside edge of the main road (the y dimension) measured in each direction from the intersection of the access road with the main road. In a westerly direction y shall measure at least 90 metres and in an easterly direction at least 60 metres;

- (c) within the visibility splays of each of the existing and proposed entrances nothing shall obscure visibility between a driver's eye height of 1.0 metres positioned at the x dimension and an object height of 1.0 metres anywhere along the y dimension;
 - (d) parking and manoeuvring space for at least 2 no. cars shall be provided within the curtilage of the property such that all vehicles may enter and leave the site independently in forward gear;
 - (e) any gates that are provided shall open into the property and shall be set back at least 6 metres from the nearside edge of the public road;
 - (f) the property shall be free from the effects of a 1 in 200 years flood event;
 - (g) no water shall discharge on to the public road.
5. The private foul drainage system shall be designed to ensure the protection of surface waters and groundwater, by ensuring that all minimum distances as set out by SEPA are adhered to.
6. All public services for the development, including electrical, cable television and telephone cables, shall be located underground throughout the site.

Advice note :

1. Prior to any work of excavation or surfacing starting within 2 metres of the public road edge, a road opening permit shall be obtained from the Roads Authority.
2. As referred to in condition no. 5 of this permission the following are the minimum distances acceptable - in the interests of protecting surface waters a minimum distance of 10 metres from a soakaway to a watercourse (including ditches and field drains) and 50 metres from soakaway to a well or abstraction is required. In the interests of protecting groundwater a minimum distance of 1 metre from the bottom of distribution pipes of a soakaway to the seasonally highest water table is required.

Mary Grier

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30 January 2008

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.