
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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

DEVELOPMENT PROPOSED: FULL PERMISSION FOR THE DEMOLITION OF STEADINGS AND THE ERECTION OF A SELF CONTAINED DWELLING ANNEXE (AMENDED PROPOSAL).

REFERENCE: 07/433/CP

APPLICANT: MR. WILLIAM GRANT, C/O ARM ARCHITECTS, 2A BERKELEY STREET, GLASGOW, G3 7DW.

DATE CALLED-IN: 16TH NOVEMBER 2007

RECOMMENDATION : GRANT WITH CONDITIONS

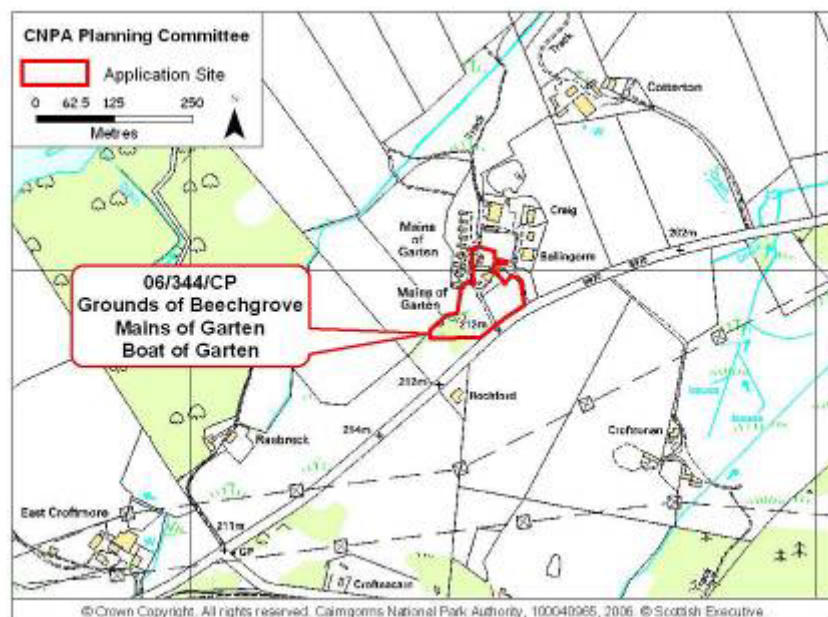


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Full permission is sought in this application for new residential accommodation to the rear of an existing dwelling house, known as 'Beechgrove' on Mains of Garten Farm, on the western side of the B970 approximately 2.7 kilometres outside the village of Boat of Garten. The new building is intended to form a self contained dwelling annex to the main dwelling house, and it is proposed to be medically adapted to cater for the specialist needs of a family member. Although having a self contained layout, the design also includes proposals for the creation of a corridor linking the new building with the existing dwelling house, in order to allow it to function as part of the overall family home.
2. This current planning application is essentially an amended proposal. Members will recall having dealt with a previous similar application on the subject site in 2006, in which full planning permission was sought for the demolition of a steading and the erection of a larger self contained dwelling annex (CNPA planning ref. no. 06/344/CP refers). The CNPA Planning Committee resolved to grant full planning permission for that development proposal¹ subject to the applicant entering into a Section 75 legal agreement restricting the use of the proposed annex as accommodation ancillary to the main dwelling house and also restricting the sale of the annex separately from the main dwelling house. Although the applicant had no objection to this, the Section 75 agreement was not completed as the applicant was re-assessing his development requirements. The application was subsequently withdrawn in November 2007 at the time of submission of this current application.
3. It is my understanding that the current application has come about due to the applicants re-assessment of the extent of accommodation and associated facilities required in the self contained annex. The current overall proposal, including a detached garage / stable block, is intended to occupy a similar area to the original proposal, essentially following the footprint of the former steading and stables on the site. Although the formal description of the current application as notified to the Cairngorms National Park Authority, refers to the demolition of steadings, the description on the application form omits reference to this as the steadings have already been demolished. I understand that this work was undertaken earlier in 2007 at a time when the applicant intended to proceed with the earlier proposal.
4. Together with a timber clad stable block and the remains of other former structures, the demolished steading formed an L shape on the land to the rear of the main dwelling house. A statement from an engineering firm on the condition of the steading had been submitted

¹ At a meeting of 17th November 2006.

with the previous application and it concluded that the structure was in a very dilapidated condition and beyond structural repair.²



Fig. 2 : Partial exterior view of formerly existing steading



Fig. 3 : Later additions to steading



Fig. 4 : Ruins of former barn



Fig. 5 : Proposed site as existing, post demolition work

5. The ruins of the former barn extended northwards at right angles from the steading to complete the L shape of the original footprint of the buildings. Timber clad stables also extended along the western side of the outer wall of the former structure (adjacent to the laneway on the

² The report stated that the walls were in poor structural condition due to the age and exposure of the structures. It also stated that mortar bedding had perished, stonework was spalling, saturated and cracking and several of the walls were out of plumb. The structures were described as consisting of traditional rubble masonry walls and infill blockwork construction with timber trusses and corrugated metal roofs. No damp proof course was evident and it was also considered unlikely that there were any significant foundations or sufficient frost cover to the foundations. The statement concluded that the buildings were beyond reasonable structural repair.

western boundary of the site). This entire area has now been cleared (as seen from fig. 5 above).

6. In the previous application the majority of living accommodation was proposed to be contained within one of the wings of the L-shape of the structure, while the remaining wing would have been largely occupied by a hydrotherapy pool and integrated double garage. A combination of external finishes was proposed, including wet dash roughcast, larch timber cladding for detailing purposes and also natural stone.



Fig. 6 : Previously proposed self contained annex

7. The self contained annex proposed in this current application is smaller scale, occupying the extent of only one of the formerly proposed wings, in close proximity to the rear of the existing dwelling house, on the site of the former stone steading. The design is quite similar to that element of the previous proposal, although now including two projecting gable features in the front (north / courtyard garden facing elevation), one of which includes an external chimney breast, comprising of natural stone to match that proposed in the base course. A single storey corridor link is proposed to the rear, providing direct link to the existing main dwelling house. The floor plan of the self contained annex includes kitchen / dining area, a living area, bathroom, utility room and three en suite bedrooms.



Fig. 7 : Currently proposed annex (courtyard view)

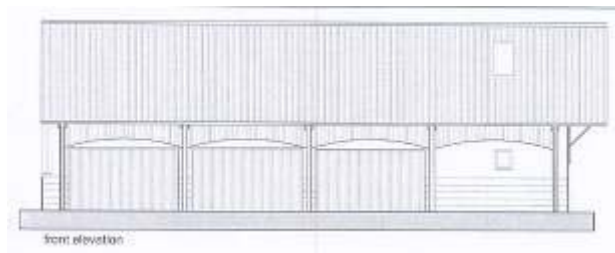


Fig. 8 : Proposed garage and stable block

8. The second aspect of the current proposal is a detached garage / stable block, and together with the self contained annex would form an L shape collectively occupying a similar footprint to the previous proposal. This detached structure would extend from north to south adjacent to the existing access lane and would accommodate a triple garage, with a double stable block at the end. Grey metal sheeting is proposed as a roof finish, with external walls consisting of cream colour wet dash roughcast on the upper section, buff fairfaced blockwork beneath (western and southern elevation) and brown vertical cedar boarding on the northern and eastern elevations. Three brown timber garage doors are proposed in the eastern elevation.
9. Vehicular access arrangements are the same as those previously proposed i.e. using the existing access arrangements. A private access road leads off the B970 and currently serves the main dwelling house (Beechgrove) and continues alongside the western boundary of the subject site, to serve the Mains of Garten chalet development. From this existing route, vehicular access is proposed into the site via the existing gate. The development would connect to the development to the public water supply. Foul drainage proposals would be dealt with by the installation of a septic tank.
10. The accommodation proposed in this current application is intended to serve as a medically adapted extension to the main dwelling house. The background to the need for this facility was outlined in the course of the previous application and it is my understanding that the same need remains at the present time. The medical condition of the applicant's daughter necessitates her use of a wheelchair. The structure has been designed on a single level³ to facilitate use by a wheelchair user and it is intended to improve the safety of the applicant's daughter (by lessening the likelihood of falls due to changes in ground levels etc.) as well as assisting in developing her skills of independent living.
11. The applicant remains willing to enter into a Section 75 legal agreement, if required, restricting the use of the proposed structure to ancillary accommodation to the main dwelling house.

DEVELOPMENT PLAN CONTEXT

National Policy

12. 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**

³ A floor plan has been provided for a first floor area showing stair access and denoted as being 'suitable for future development.'

Housing Development into the Landscape) (March 1994) states that “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.

13. **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. **Planning Advice Note 72, Housing in the Countryside**, states that “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 that “every settlement should have its own distinctive identity.....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.”

Highland Structure Plan 2001

14. **Policy H3** of the Structure Plan states that housing will generally be within existing and planned new settlements. New housing 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**, advises that the Council will in considering 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)

15. The Landward 'Housing in the Countryside' strategy identifies the land in question as a Restricted Countryside Area. 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.

Cairngorms National Park Plan (2007)

16. The recently adopted **Cairngorms National Park Plan** highlights the special qualities of the national park, stating that the "Cairngorms is widely recognised and valued as an outstanding environment which people enjoy in many different ways." It recognises that there is a wide diversity of landscape, land-uses, management and community priorities across different parts of the Park. In a section entitled 'Living and Working in the Park' the subject of housing is explored. The Plan refers to the need to ensure greater access to affordable and good quality housing in order to help create and maintain sustainable communities as one of the key challenges in the National Park. Reference is also made to the quality and design of new housing which is expected to meet high standards of water and energy efficiency and sustainable design and also to be consistent with or enhance the special qualities of the Park through careful design and siting.

CONSULTATIONS

17. A number of consultations were carried out in the course of the previous application and as the proposal is for development of a similar nature, although smaller scale, the majority of those responses remain applicable in this current application. Consequently some consultations have not been re-initiated, in the interests of minimising duplication.
18. The **Area Roads and Community Works** section of Highland Council assessed the previous proposal and raised no objection. It was recommended in the event of consideration being given to the granting of planning permission that it be conditional upon the applicant entering into a Section 75 legal agreement linking by title the dwelling annexe to the existing dwelling house. The recommendation was made in order to limit the number of properties in different ownership served by the existing access roads and in order to reduce the potential for disputes arising regarding future maintenance of such roads.

19. **Scottish Water** did not raise any objection to the proposal and advised that the Blackpark Water Treatment Works has sufficient capacity to service the development. However, the response also advised that any granting of approval by the Planning Authority would not guarantee a connection to Scottish Water infrastructure until a satisfactory solution is identified. The response from **Scottish Water** also advised that there were no known sewers in the vicinity of the proposed development and accordingly advised that any septic tank should be sited in such a manner as to allow easy access for emptying by tanker.
20. As part of the assessment process of the previous application site further information on the history and usage of the structures on the site was sought from Highland Council's **Contaminated Land Unit**. Further to the receipt of the required information a second response was received from that unit, in which it was recommended that all asbestos contained within the building fabric be removed by an appropriately licensed contractor to a waste facility licensed to accept asbestos waste.
21. **SEPA** were satisfied with the proposals in the previous application, provided that the drainage system soakaways were constructed in accordance with the Building Regulations, and that all appropriate distances are maintained from ground and surface waters, in accordance with SEPA standards.
22. In a response from the **Archaeology Section** of Highland Council on the current application it is noted that the proposal will affect at least one building that is depicted on the first edition Ordnance Survey map of c. 1870. The response recommends that major alterations should not be carried out without a visual record first being made. In order to protect the historic interest of the site it is recommended in the event of the granting of planning permission that a condition is included requiring that no site clearance works shall be undertaken until a comprehensive photographic record of the remains of the old buildings or the other features affected by the proposed development has been compiled and lodged with the Planning Authority. It is assumed that this recommendation has been made without the benefit of a site visit, as the structure in question had been demolished prior to the submission of this application. The same recommendation was made in the course of the previous application on the site and as a result the applicant prepared a photographic record prior to the demolition of the steading and other structures on the site. A copy of that photographic record has already been supplied to the CNPA.
23. **Boat of Garten and Vicinity Community Council** provided a response on this current application in November 2007 stating that there is no objection to the proposal.

REPRESENTATIONS

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

APPRAISAL

24. The principle of a residential development in the form of a self contained annex to the main dwelling house (specially adopted to cater for the medical needs of a family member of the applicant) has already been accepted in the course of the previous application on the site (CNPA planning ref. no. 06/344/CP), with Members resolving to grant planning permission subject to completion of the aforementioned Section 75 legal agreement. The issues considered in the course of that application remain pertinent to the current proposal.
25. In particular the proposed development is located within an area identified in the **Badenoch and Strathspey Local Plan** as Restricted Countryside, and as detailed earlier there is a strong presumption against the development of houses in such areas, with exceptions only being made where a house is essential for land management, related family and occupational reasons. One of the key issues in the previous application was the need to establish whether the development warranted assessment as a conventional dwelling house or as a self contained annex to the main dwelling house on the subject site. The previous conclusion on this matter was that the structure was in fact an annex to the main dwelling house, with a physical connection being provided, and with the applicant agreeing to enter into a section 75 agreement to restrict the structure to ancillary accommodation which would not be disposed of separately from the main dwelling.



Fig. 9 : 'Beechgrove', Mains of Garten as viewed from the B970. The new structure is proposed to be positioned to the rear of the existing property.

26. The residential accommodation aspect in the current application is smaller in scale than the previous development proposal, although still following a similar design concept. Having regard to its smaller scale, as well as the provision of a corridor linking the annex directly to the main dwelling house, and also the applicants acceptance of the potential requirement to enter into a Section 75 legal agreement, it is

my view that the development should be considered in the same guise as the previous proposal on the site, which is essentially as ancillary accommodation, as opposed to a new dwelling house. The development proposal would not therefore contravene the existing planning policy as expressed in the Local Plan on housing in this restricted countryside area.

27. Planning policy guidelines, such as those expressed in Highland Council's **Development Plan Policy Guidelines (April 2003)** dictate that the "personal preferences or financial circumstances of any individuals involved are not material planning matters." However, I feel that it is necessary in this particular case to acknowledge the personal circumstances giving rise to this application. As detailed in earlier sections of this report, the principle reason for the proposed new structure is to provide a purpose built facility to comfortably and safely accommodate the medical needs of a family member and the accommodation has been designed specifically to accommodate the needs of a wheelchair user and foster the independence of that person whilst still having the benefit of direct access to the existing main part of the family home, via the wide corridor link.
28. The demolition of the steading had been accepted in the previous application, with evidence having been provided of its deteriorating condition and lack of potential for conversion. Despite reference being made to its demolition as part of this current application, the structure and associated remains of other buildings have already been demolished (as the applicant had at that time intended to proceed with the previous larger scale proposal). As detailed in paragraph 22 of this report the required photographic survey had been undertaken prior to the demolition of the building.
29. Although the scale of the residential aspect of the development has been considerably reduced from the previous proposal, the residential unit and the detached garage / stable block which is proposed at a right angle adjacent to it, would collectively occupy an almost identical L shape footprint to the steading and other former structures on the site. The overall design of the two structures would generally create the impression of a low level building, similar to that which would have previously existed. The development has the potential to assimilate into the landscape and would in fact represent a significant visual improvement in the immediate area, in place of the formerly existing deteriorating structures and the current open area, which appears to be under utilised and in need of maintenance and landscaping. The subject site has a high degree of visibility from the complex of holiday chalets which exist immediately opposite on the western side of the shared access lane and an enhancement of the site would be of general benefit to the area.

30. In overall terms I consider that the development complies with the sentiments of **SPP15 on Planning for Rural Development**. Paragraph 23 is of particular relevance stating that “opportunities to replace run down housing and steadings with designs using new materials should also be embraced. Planning Authorities should not unreasonably constrain such modernisation and steading conversion within the original footprint or height limit unless there are compelling design or conservation reasons for doing so. They should adopt a supportive approach and ensure that new development fits in the landscape. There is an unmet demand for plots on which unique, individually designed houses can be built in rural locations.”
31. Finally in terms of infrastructure and general servicing, the proposed residential annex would not add any further pressures to access or drainage and water requirements. The structure would be utilised by family members already in residence in the main dwelling house, and would be accessed via the same driveway. It would also be serviced by its own independent sewage arrangements and would not therefore have any impact on sewerage arrangements for surrounding properties.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

32. The outbuildings which have already been demolished were in a relatively poor and deteriorating condition and the original character of the stone built structure had already been significantly compromised by way of several additions in the 1950's. The structures were not therefore considered to be of strong cultural heritage value and a photographic record was compiled prior to their demolition. The site is not affected by any natural heritage designations, other than its location within the National Park.

Promote Sustainable Use of Natural Resources

33. No details have been provided on the sourcing of materials used in the proposed new building. There is however a possibility that stone from the demolished steading on the site could be re-used in the new design, which incorporates significant amounts of stonework.

Promote Understanding and Enjoyment of the Area

34. The proposal is not of particular relevance to this aim, although a high quality building on the site in place of the demolished outbuildings could be considered to offer some aesthetic improvement benefits for visitors staying at the adjacent Mains of Garten chalets, which overlook the subject site.

Promote Sustainable Economic and Social Development of the Area

35. The proposal does not make any particular contribution to this aim.

RECOMMENDATION

That Members of the Committee support a recommendation to:

Grant full planning permission for the demolition of steadings and erection of a self contained dwelling annexe (amended design) and the erection of a detached garage / stable block at Mains of Garten Farm, Boat of Garten, subject to the completion of a S75 Agreement to restrict the use of the proposed annexe to accommodation ancillary to the main dwelling house and restricting the sale of the annexe separate from the main dwelling house; and subject to the following conditions : -

1. The development to which this permission relates must be begun within five years from the date of this permission.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no additional house extension shall be formed, and no greenhouse, shed, garage or other structure shall be erected without the prior written consent of the Planning Authority.
3. Prior to the commencement of development, a landscaping plan which shall include (i) proposals for the planting of indigenous trees and shrubs within and on the boundaries of the site and (ii) details of all other types of new boundary treatments proposed, shall be submitted for the agreement and written approval of the CNPA acting as Planning Authority. All approved landscaping shall be :
 - (a) Completed during the planting season next following the completion of the development, or such other date as may be agreed in writing with the CNPA acting as Planning Authority;
 - (b) maintained in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the CNPA acting as 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. 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.
5. All public services for the development including electrical, communal television and telephone cables, shall be undergrounded throughout the site.

6. Prior to the commencement of the wall rendering works, a sample panel, approximately 1 metre square, of the wet dash roughcast finish shall be prepared on site for the inspection and further written approval of the CNPA acting as Planning Authority.
7. The proposed stone finish, shall consist of natural stone only, with stone from the demolished steading being utilised wherever possible. Prior to the commencement of development, details of the stonework shall be submitted for the agreement and written approval of the CNPA acting as Planning Authority.

Advice note :

- Scottish Water has not objected to the proposed development, but nonetheless advise that any planning approval granted by the Planning Authority does not guarantee a connection to Scottish Water infrastructure until a satisfactory solution is identified. It will be necessary for the developer to ensure that the development will not have any detrimental impact on the water services that Scottish Water currently provide to existing customers. Scottish Water advise that the developer will be required, as part of any network upgrading work, to provide a solution that would prevent or mitigate any further impact.
- As referred to in condition no. 4 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
30 January 2008
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