
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: ERECTION OF HOUSE AT LAND 908M SOUTHWEST OF MAINS OF LURG, NETHY BRIDGE (OUTLINE PP)

REFERENCE: 07/380/CP

APPLICANT: ALAN CAMERON, CORRIEKNOWE, BRIDGEVIEW PLACE, ABOYNE

DATE CALLED-IN: 14 DECEMBER 2007

RECOMMENDATION: REFUSAL

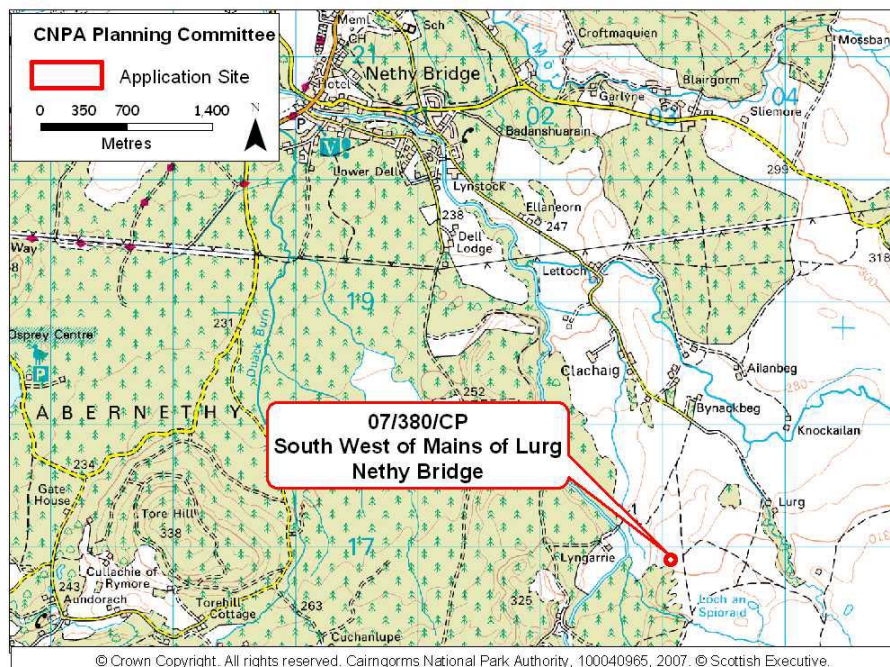


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Outline permission is sought in this application for the erection of a dwelling house located 908m south west of Mains of Lurg. The area is accessed from a minor unclassified public road which leads from Nethybridge to the east and through a series of bends. The public road terminates approximately 900 metres to the north east of the site at Lurg Farmhouse.
2. Immediately beyond Nethybridge, towards the direction of the proposed site access, is an area where there are a number of dwellings including farm houses and crofts. These tend to be in relatively close proximity to the two unclassified public roads that run east from the village. However, none are visible from the site which sits approximately 900m from the access road. The nearest building to the site is the Farm House at Lurg which is Grade B listed and dates from 1750.
3. This general area is strongly characterised by open moorland, rough grazing and conifer plantation of varying visual quality. Some of the area is divided into large fields by simple post and wire fencing.
4. There are also a number of rough tracks in the area. Access to the site is gained over a rough track which extends approximately 900 metres from the public road. Entry is through a gate close to Lurg Farm House, after which the track crosses a small burn. The informal vehicle track leading from Lurg Farm House to the proposed site of the dwelling is poorly maintained, and poorly drained, which has led to the track appearing water logged in some places. In total there are four sets of gates to pass through in order to gain access to the location of the proposed site, all of which are in poor condition.



Fig.2 - Access track leading to the proposed site. Taken from the public road (Lurg Road) looking south.



Fig.3 - Photo taken looking north. Shows poor drainage on the track



Fig.4 - Photo taken looking west. The proposed site is immediately over the fence line. Access to the site would be through the gate on the right.

5. The subject site appears to be used as rough grazing land. The site is relatively flat with Abernethy Forest, some 100m away, screening the site from the south and west, with open aspects towards the north and east.
6. No indication has been provided of the type of dwelling house design proposed, although information contained in the application form describes external walls having a "concrete block and render" finish, under a slate or concrete tile roof covering. A timber fence is detailed as the form of boundary enclosure. The foul drainage proposals involve the use of a septic tank draining to either a soakaway pit or perforated pipe system. Water supply is proposed to be from a private source, either a Well or Bore Hole.



Fig.5 - Photo looking south towards Abernethy Forest.

Applicant's Case

7. Background information submitted by the applicant indicates that he is originally from Nethy Bridge. However, he and his wife now reside in Aboyne and his full time occupation is in the oil industry. Planning permission is being sought by the applicant for the proposed dwelling house on the basis of residing there and assisting his cousin in operating Lurg Farm in his free time from his job in the oil industry, before the proposed property eventually becoming his retirement home. No details have been submitted on the size of the landholding. According to the submitted landholding map, Lurg Farm appears to be leased from Dorback Estate. Attached at the back of the report are two letters sent by the applicant to the CNPA in support of his case.

DEVELOPMENT PLAN CONTEXT

National Guidance

8. **Scottish Planning Policy 3 Planning for Housing** notes that where possible, most housing requirements should be met within or adjacent to existing settlements. This prevents the sprawl and coalescence of settlements, makes efficient use of infrastructure and public services and helps to conserve natural heritage and rural amenity. The guidance goes on to note that in more remote areas, new housing outside of settlements may have a part to play in economic regeneration and environmental renewal.
9. **Planning Advice Note 72 Housing in the Countryside (February 2005)** - 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.”

Highland Structure Plan

10. In the **Highland Structure Plan (approved March 2001) Policy H3 (Housing in the Countryside)** states that housing will generally be within existing and planned new settlements. New housing in the open countryside will not be permitted unless it can be demonstrated that it is required for the management of land and related family purposes or where it supports communities experiencing difficulty in maintaining population and services. This policy points out that housing should be appropriate in location, scale, design and materials. **Policy L4 (Landscape Character)**, states that the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals. **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); use of brownfield sites, existing buildings and recycled materials; demonstration of sensitive siting and high quality design; contribution to the economic and social development of the community; and the impact on resources such as habitats, species, landscape, scenery and freshwater systems.

Badenoch and Strathspey Local Plan 1997

11. The Landward ‘Housing in the Countryside’ strategy of the **Badenoch and Strathspey Local Plan (1997)** identifies the proposed site as being within a **Restricted Countryside Area**. **Policy 2.1.2.3** of the Local 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. These guidelines consider that **open countryside** is **all** land outside the boundaries of defined settlements. New housing in the Countryside will be exceptional and will only be permitted, in accordance with national policy and approved structure plan policy where it is required for the management of land or related family purposes (retired farmers and their spouses); provided by a social housing provider; involves the conversion/re-use of a traditional building; involves the replacement of an existing dwelling which does not meet the requirements for modern living and where the costs of upgrading are not justified on economic and environmental grounds (subject to the existing dwelling being demolished); or is part of a comprehensively planned new settlement.
13. 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'. Justification will be judged against both a Functional Test and Financial Test.
14. **Functional Test** – It will be necessary to establish whether it is essential for the proper functioning of the enterprise that one or more workers are required to be on hand day and night where animals or agricultural practices require essential care at short notice to deal quickly with emergencies that could cause serious loss of crop or products.
15. **Financial Test** – financial evidence, demonstrating that the existing farm business is financially sound, will be required to complement other information submitted.

The Cairngorms National Park Plan 2007

16. The recently adopted **Cairngorms National Park Plan (2007)** 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 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.

17. The plan also seeks to ensure that development complements and enhances the landscape character of the Park. The Plan goes on to consider that new development in settlements and surrounding areas should complement and enhance the character, pattern and local identity of the built and historic environment.

CONSULTATIONS

18. **The** proposal has been assessed by **SEPA**, who have no objection to the development so long as the proposal for foul drainage is acceptable, where the required minimum distances can be achieved.¹
19. The **Area Roads and Community Works** division of Highland Council have assessed the proposal and in their response state that they are unable to recommend approval of the application. The public road leading towards the site is described as being of a relatively poor standard. The road serves a limited number of dwellings at present and is given low priority with regard to maintenance, particularly winter maintenance. Consequently any further development likely to result in increased vehicular usage of the road is not favoured.
20. **Highland Council Planning Department** have informed the CNPA of a Badenoch and Strathspey Area Committee meeting a number of years ago, where comments were recorded highlighting that any further development would be likely to result in increased vehicular usage of the road, which would not be favoured unless efforts were made by future applicants / developers to deliver additional off site improvements to Lurg Road at appropriate locations between the village and the termination of the public road.
21. The CNPA's **Natural Heritage and Land Management Group** examined the proposal, particularly from a landscape perspective. In detailing the implications of the proposed development on the area, the response from **NHG** noted the development of the site would be well beyond the 'settled' zone outside Nethy Bridge. There are a few examples of isolated modern structures but none are visible from the proposed site, and the proposal would therefore effectively introduce a new feature into this remote rural area and the domestic nature of the proposal would compete with rough character of the area. From a landscape perspective, the site is relatively flat and field boundaries are open. As a result, the development would be seen from a significant distance.
22. The changes to the character of the area would not be positive and the development is described as being contrary to the first aim of the

¹ 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.

National Park, and consequently the response from the **NHG** recommends refusal of planning permission on landscape grounds.

23. **The Visitor Services and Recreation Group** have reviewed the proposal and have recommended that if planning permission is granted, the track to the east of the site, which provides an important link around Abernethy, be kept free from any obstruction during construction and that access be protected on the track thereafter.

REPRESENTATIONS

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

APPRAISAL

25. The proposed development is essentially for a dwelling house in a restricted countryside area. The key issue to assess in this application is the principle of a dwelling house on this site in relation to development policies. The assessment will also reflect on other issues such as general siting, visual impact, amenity, road access and the precedent that such development may set.
26. In terms of the principle, the proposal is clearly in contravention of the Local Plan policy regarding housing development in Restricted Countryside Areas. The case advanced by the applicant appears to be insufficient in justifying a new dwelling house at this location. The applicant's full time occupation is not related to land management and the justification put forward for a house on this site is for the purpose of helping his cousin to run Lurg Farm. It is assumed that the applicant's cousin lives on the landholding at present and would therefore fulfil any requirement for an on site presence in relation to animal welfare. No details have been submitted regarding the size of the landholding, the activities undertaken or the labour units required to operate the farm and the need for an additional person to assist in operating the landholding. An acceptance of the case advanced would set a precedent for similar inadequate justifications to be used in dwelling house proposals across much of the area.
27. The applicant has failed to provide the required information to justify consideration being given to a new dwelling in this Restricted Countryside area. Information specifically requested by the CNPA included:
- Details to quantify the typical hours per week worked on the farm, which would require an independent statement to verify the level of need related to management of the land;
 - Overall size of farm and landholding map to demonstrate this;

- Number of employees on the farm;
 - Details of your responsibilities on the farm, and;
 - Details to establish what other accommodation exists on the land holding and any previous planning permissions within the land holding.
28. No response was received in relation to the queries raised and the proposal has been assessed on the basis of the information provided at the outset.
29. Aside from the principle of a dwelling house in this restricted countryside area, there are a number of other concerns also associated with the proposal. It is not possible to comment on design issues at this outline stage. However, as regards the proposed siting, given the high degree of visibility from the surrounding area, any development on the proposed site, regardless of any design which may be proposed, would have the potential to form an obtrusive and prominent feature in this rural landscape, and it is not therefore considered to demonstrate compliance with standard siting and design objectives.
30. Also, as detailed earlier in this report the Area Roads and Community Works section and Planning Services section of Highland Council have also been unable to recommend in favour of the proposal, expressing concerns regarding the condition of the existing minor road serving the area and the over use of the track leading to the site.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

31. Although there are no natural heritage designations, a new dwelling house on this exposed and prominent site, together with the formation of its access, will have negative impacts on the character and quality of this part of the rural landscape of the National Park and would potentially set a precedent for additional development which could further erode the character of the area. It would not therefore promote the conservation or enhancement of the natural heritage of the area.

Promote Sustainable Use of Natural Resources

32. No details of the proposed new building have been provided and it is not therefore possible to assess compliance with this aim.

Promote Understanding and Enjoyment of the Area

33. It is considered that the development would have the potential to adversely affect the enjoyment of the views and the special rural characteristics of the area by the general public.

Promote Sustainable Economic and Social Development of the Area

34. The development proposal represents a dwelling house in the countryside, which has not been justified as being necessary for land management purposes. The location of the proposed dwelling house in open countryside remote from the settlement of Nethy Bridge and community / educational / retail facilities is not considered to assist in the promotion of sustainable economic development. A dwelling in the countryside would also have a knock on effect in increasing servicing costs for the local community for school transport; refuse collection and emergency services.

RECOMMENDATION

35. That Members of the Committee support a recommendation to: **REFUSE** Outline Planning Permission for erection of dwelling house, 908m south west of Mains of Lurg, Nethy Bridge for the following reasons:
1. **The proposed development is contrary to National, Regional and Local Planning Policy as contained in Scottish Planning Policy 3 (Planning for Housing), Highland Structure Plan Policy H3 (Housing in the Countryside), Development Plan Policy Guidelines 2003 and the Badenoch and Strathspey Local Plan Policy 2.1.2.3. (Restricted Countryside Areas), all of which restrict new houses in the countryside unless there are particular circumstances and special needs in relation to land management. It has not been demonstrated that the proposed dwelling house is required for the purposes of land management or related family or occupational reasons. If approved, the development would set a precedent for further unjustified development of this nature and would encourage the sporadic siting of other residential developments in similar rural locations, all to the detriment of the character of the countryside and the amenity of this part of the National Park.**
 2. **The proposed development has the potential to become a prominent feature in this rural landscape, where there is a high degree of visibility of the subject site from the surrounding area. The proposal therefore fails to adhere to good principles of siting and design and would be detrimental to the visual amenity, quality and overall character of the local landscape. As such it would be contrary to Policy L4 (Landscape Character) and Policy G2 (Design for Sustainability) of the Highland Structure Plan (2001), and would detract from the enjoyment of the special rural qualities of this area by the general public, would be injurious to the landscape character of the area and would therefore be contrary to the aims of the Cairngorms National Park.**

3. The proposed development is dependant for access upon a road which is of a poor standard and is of low priority in terms of maintenance. Further development in the area, giving rise to increased vehicular usage of the road would therefore be inappropriate.

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31st January 2008

Determination Background

The application was called in for determination by the Cairngorms National Park Authority on 5th October 2007. Following an assessment of the proposal and the receipt of relevant consultations, the CNPA issued a letter to the applicants on two separate occasions on 19 November and 7 January requesting additional information, in relation to fulfilling the 'Land Management Criteria' within the Highland Council Development Plan Policy Guidelines.

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.