
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: NEIL STEWART, PLANNING OFFICER
(DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: OUTLINE PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE, LAND ADJOINING BURNSIDE, NETHYBRIDGE

REFERENCE: 04/049/CP

APPLICANT: MR. & MRS. R. MUNRO, C/O PAUL DEVLIN ARCHITECT, ALLT BEAG, DALRACHNEY ROAD, CARRBRIDGE

DATE CALLED-IN: 13 FEBRUARY 2004

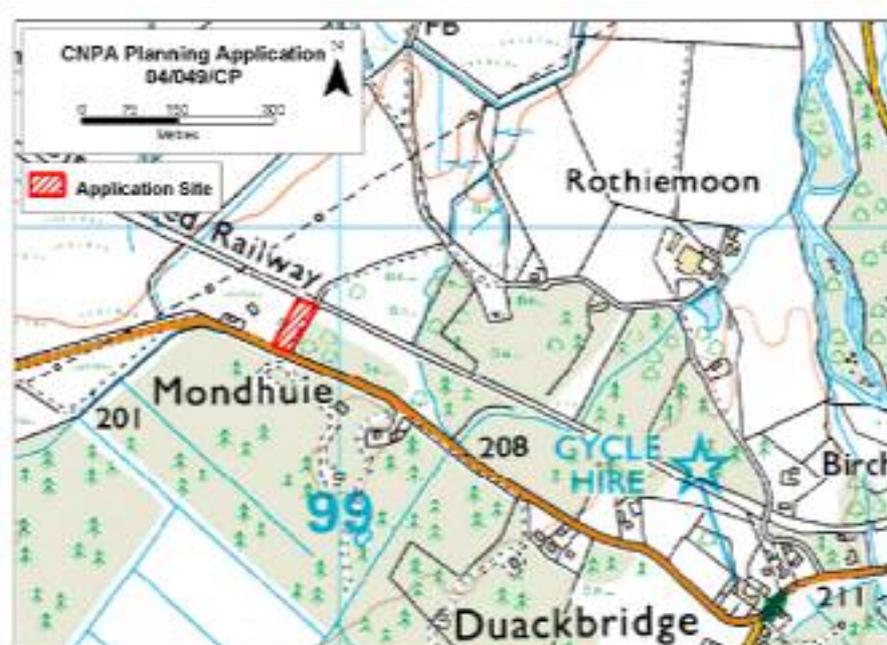


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site to which this application relates is located approximately one and a half km west of the centre of Nethybridge along the B970 road to Boat of Garten (see Fig. 1.). Outline planning permission is sought for the erection of a house on a plot (0.18HA) which is positioned to the east side of an existing modern bungalow and on the north side of the B970. The area of ground supports a mix of pine and birch woodland which possibly represents natural regeneration (see Figs. 2 & 3.). The site is at a slightly higher level to the existing bungalow and rises gradually to the north away from the public road. An old track leading to a disused bridge over a former railway line forms the east boundary of the site. Birch woodland extends along the roadside on this east side. The former disused railway line runs along the north boundary separating the site from open agricultural land which extends northwards towards the River Spey. Within the grounds of the existing bungalow, on its west side and fronting the road, is an older former croft house.



Fig. 2 - Existing House



Fig. 3 - View towards site from Public Road

DEVELOPMENT PLAN CONTEXT

2. Policy G2 (Design for Sustainability) of the Highland Structure Plan states that developments will be assessed on the extent to which they, amongst other things, impact on resources such as habitats, species, landscape, scenery and cultural heritage, and demonstrate sensitive siting and high quality design in keeping with local character and the historic and natural environment. Policy H3 (Housing in the Countryside) states that new housing and conversions of non-traditional buildings in the open countryside will not be permitted, unless it can be demonstrated that it is required for the management of the land and related family purposes.
3. Policy 2.1.2.3. (Restricted Countryside Areas) of the Badenoch and Strathspey Local Plan states that there is a strong presumption against the development of houses within the Restricted Countryside Area. Exceptions will only be made where a house is essential for the management of land and related family and occupational reasons. Restrictions on the subsequent occupancy of such

houses will be enforced. Adherence to the principle of good siting and design will be required. The Local Plan under General Policy 2.1.2. (Housing in the Countryside) also states that new houses in the countryside should be sited to reflect the characteristic scatter of established development. Although the spacing of buildings should be varied according to land form and ground cover, proposals must maintain a good degree of separation from existing properties and any valid permissions. This is with a view to protecting the character of the countryside and achieving appropriate standards of privacy and residential amenity.

CONSULTATIONS

4. The Nethybridge Community Council has no objection to the development. However, they recommend that the house should be set well back from the road at the back of the plot, and that the design of the house should be in keeping with those nearby.
5. Highland Council's Technical Officer on Contaminated Land initially stated that part of the site may have had a history of occupation or previous use, the nature of which was unclear. He therefore recommended that the applicant provide, by way of summary, information relating to the previous use and history of the site. If the previous use of the site was found to be potentially contaminative, an assessment of its condition would be required. The applicant's agent has spoken to the Contaminated Land Officer and the concerns were over a gravel pit and the abandoned railway line. However, following the discussions the Contaminated Land Officer has confirmed that he is satisfied that the site itself would not give cause for concern in terms of contamination.
6. SEPA have advised that for foul drainage it is intended to utilise a new septic tank draining to a land soakaway. Provided that these proposals meet with the building regulations and the Building Control Service are satisfied with the arrangements they have no objections.
7. Highland Council's Area Roads Manager has recommended that standard conditions are attached to any planning permission given. These require, amongst other things, the provision of adequate visibility splays and a service bay at the point of access, and adequate on site parking.
8. Under delegated powers, Highland Council's planning officers have advised that the site lies in an area where the Local Plan presumes against new sporadic housing development. The purpose of the policy is to protect the setting of Nethybridge. In their view, the proposal would be contrary to this policy. They also have a concern that approval would encourage pressure for further sporadic development of housing nearby. There has been considerable pressure for similar development on land to the south and east of the site in recent years. They are also concerned that development of a house on the proposed plot would not meet the test of adequate separation from other properties. It could set up a rhythm with the existing dwelling and the derelict

croft house which could give the appearance of very low density suburbia. Finally, they feel that the proposal may lead to a regrettable loss of a natural regenerating woodland habitat.

REPRESENTATIONS

9. The application has been advertised as a "Proposal Not In Accordance With The Provisions Of The Development Plan". However, no letters of representation have been received.

APPRAISAL

10. The determination of this application hinges on the acceptability of the principle of a house in this countryside location in terms of statutory development plan policy. As stated above, the site lies within an area which is designated in the Local Plan as being Restricted Countryside Area, where there is a presumption against housing development, unless it can be demonstrated that that it is required for the management of land and related family purposes. This Local Plan policy is consistent with Structure Plan policy and Scottish Planning Policy Guidelines on housing in the countryside. The justification for its restrictive nature is to strengthen the role of existing settlements, make efficient use of existing infrastructure and services, and to safeguard the character of the countryside around settlements to maintain a high quality environment for both residents and visitors. At the same time, the policy aims to satisfy the housing requirements of people who work on the land and, where appropriate, sustain fragile rural areas and dispersed communities.
11. In this instance, the applicants were asked if there was any land management operational need for a house on the site. However, they have confirmed that the house has no agricultural or rural land need. The Local Plan also does not earmark the location as being a fragile area. It is therefore clear that the proposal has no justification in terms of extant planning policy. In view of this, and in line with the concerns raised by Highland Council's planning officers, it is not possible to provide support for the principle of a house on this site.
12. While the principle of a house in terms of policy cannot be accepted, the proposal raises other concerns. There has been pressure for housing development along this road but outwith the settlement boundaries of Nethybridge. Indeed this has led to the approval and construction of some houses nearby. To continue to permit unjustified houses in a sporadic form on this side of Nethybridge will significantly erode the landscape character and setting of the village and act as an unfortunate precedent for even more developments. Also, the potential, unnecessary, loss of a regenerating woodland habitat which contributes to a natural separation between existing properties would not only cause negative visual impacts but would also be detrimental to existing natural heritage resources. As stated by Highland Council's planning officers, the potential loss of the trees and the proximity of

the proposed house to the existing house and its former croft house, would also provide a pattern of development and spacing between properties which would not conform to the existing character of scattered housing found in countryside locations in the area. The combination of three houses on this property would introduce a more suburban and alien built character to the locality. As such, it is submitted that the proposal also fails to comply with Structure Plan Policy G2 (Design for Sustainability) and Local Plan Policy 2.1.2. (Housing in the Countryside).

13. As an aside, the applicant has not carried out percolation tests for foul drainage. The agent has advised that from his knowledge of the area, the ground is likely to be able to accommodate a septic tank and soakaway system but, he was reluctant to go through the expense of carrying out percolation tests if the proposal was unlikely to be acceptable in terms of principle. If the Committee wish to approve the application then it would have to be deferred to allow the percolation tests to be carried out.

IMPLICATIONS FOR THE AIMS OF THE PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

14. The proposal has the potential to have detrimental impacts on a natural woodland area and its habitats. The loss of this natural setting would also have detrimental visual and landscape impacts in the locality. To permit the proposal would have negative implications in relation to this aim.

Promote Sustainable Use of Natural Resources

15. There are no discernible effects in terms of this aim. However, the provision of a house in the countryside does not represent the efficient use of existing infrastructure or services and will lead to further use of the private car, contrary to general sustainability objectives.

Promote Understanding and Enjoyment of the Area

16. There are no positive or negative implications for this aim.

Promote Sustainable Economic and Social Development of the Area's Communities

17. There is no land based operational justification for a house in this countryside location and the location is not within a fragile area where additional housing could be permitted as a way of sustaining a rural community. It is submitted that there are no direct benefits to the social and economic development of this part of the National Park.

RECOMMENDATION

That Members of the Committee support a recommendation to:

REFUSE Outline Planning Permission, for the following reasons:-

- i. 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) and Badenoch and Strathspey Local Plan Policy 2.1.2.3. (Restricted Countryside Areas), all of which restrict new houses in the countryside unless particular circumstances are clearly identified in development plans or there are special needs. Neither of these exclusions apply in this instance.
- ii. The erection of a dwellinghouse at this location would result in the potential unnecessary loss of a natural woodland habitat which contributes to the wider landscape setting of Nethybridge and to the setting of the existing properties in the vicinity. Due to the site's proximity to the existing house and its former croft house, to permit the proposal would also introduce an inappropriate pattern of development which would not reflect the low density, well spaced, scattered nature of housing development in the local countryside. Approval would also act as an unacceptable precedent for further ad-hoc, sporadic and unplanned housing development encroaching into this countryside area. As such the proposal, fails to comply with Highland Structure Plan Policy G2 (Design for Sustainability) and Badenoch and Strathspey Local Plan Policy 2.1.2. (Housing in the Countryside).

Neil Stewart
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planning@cairngorms.co.uk