
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: ERECTION OF CROFT HOUSE, LAND 50 METRES SOUTH WEST OF GRIANAN, STRONE ROAD, NEWTONMORE

REFERENCE: 06/485/CP

APPLICANT: ALISTER DONALD MACKENZIE

DATE CALLED-IN: 1 DECEMBER 2006

RECOMMENDATION: APPROVAL

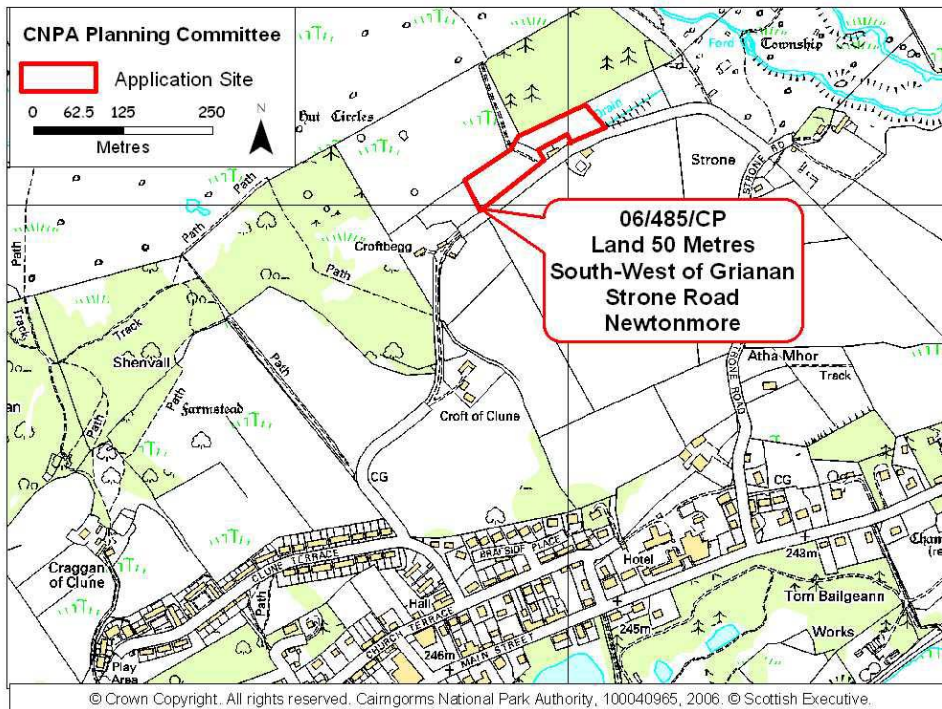


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site lies to the north of Newtonmore on the Strone Road which forms a loop through croft lands to the north of the settlement (see fig 1).
2. The site is an open field adjacent to an existing cottage known as Grianan and on the other side of the road from a tourist accommodation business. The field slopes down gently towards the road where an existing agricultural access would be utilised as the access for the house.



Fig 2 view of site from Strone Road Grianan in background

3. This is an outline application which seeks approval for a house based upon a crofting justification; some indicative design drawings showing a traditional house have also been included (attached at back of report).
4. The applicant has just had an agricultural notification proposal approved by Highland Council for a small agricultural building on the site. The CNPA has recently determined an application for a single house some distance to the south east of this site on the same loop road. This application was refused based on the restricted countryside housing policy as no agricultural justification had been put forward. A secondary reason was also put forward based on the house not being accessed by a road to adoptable standard.

DEVELOPMENT PLAN CONTEXT

National Guidance

5. **Scottish Planning Policy 3 Planning for Housing 2003** 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.
6. **Scottish Planning Policy 15 Planning for Rural Development 2005** advances a more positive policy in respect of housing in the countryside, but recognises that such approaches should be dealt with through the Local Plan process.

Highland Structure Plan

7. **Highland Structure Plan (approved March 2001) Policy H3** 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. **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 - including 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). **Policy H8 of the Plan Access Arrangements for New and Existing Developments** notes that development proposals which involve new or improved access to serve more than 4 houses and/or to serve a development which would generate vehicular traffic equivalent to more than 4 houses shall be served by a road constructed to adoptive standards. The adopted road shall normally serve all of the new development and any existing development.

Badenoch and Strathspey Local Plan 1997

8. The Local Plan identifies the area as **Restricted Countryside**. Under policy 2.1.2.3 a strong presumption will be maintained against the development of housing in such areas. Exceptions will only be made where a house is essential for the management of land, related family and occupational reasons. Restrictions on subsequent occupancy of such houses will be enforced. Adherence to the principles of good siting and design will be required in such cases.

9. **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 states that new housing within the open countryside will be exceptional, and will only be permitted (in accordance with National Guidance and the approved Structure Plan policy) where, amongst other specific circumstances, it is required for the management of land, or it is required for family purposes related to the management of land (retired farmers and their spouses). It also considers that there is no justification for housing in the countryside associated with forestry. 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. Any application for a house associated with crofting should be accompanied by confirmation from the Crofters Commission of the bonae 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.

Highland Council Housing in the Countryside Development Plan Policy Guideline 2006

10. **Highland Council have produced a new Planning Development Policy Guideline Housing in the Countryside (March 2006). The CNPA was not consulted on and has not adopted this guideline.** This document sets out the Council's approach to housing in the countryside, taking account of Structure Plan Policy and also more recently issued guidance on rural development. The guidance notes that **open countryside** is all land outside the boundaries of defined settlements and not closely related to any listed housing group. New housing within open countryside will be exceptional and will only be permitted, in accordance with national guidance and the approved Structure Plan policy, where it complies with the following requirements.
11. Land management or family purposes related to the management of the land (retired farmers and their spouses). Any proposal 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. This means that applicants must be able to demonstrate that: there is no potential to use existing accommodation in the area; there are no existing permissions (not time expired) for dwellings that have not been taken up or developed; there is no evidence of houses or plots having been previously sold off from the farm holding; and there is no land on the farm holding that has been identified within an existing settlement. New housing will only be

regarded as essential where it is related to material planning considerations and meets the criteria specified. **The personal preferences or financial circumstances of any individuals involved are not material planning matters.** Applicants must provide evidence of existing land management activities to justify a new house, as detailed below.

Agriculture

12. Applicants must provide an independent statement of the level of need related to the management of land. The Council reserves the right to validate any consultant's report and the applicant will be charged for this validation. Justification will be judged against both a functional test (scale and nature of enterprise) and a financial test (viability of enterprise).

Croft Land Management

13. 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 tests. Any application for a house associated with crofting should be on a registered croft or associated common grazing and accompanied by appropriate confirmation from the Crofters Commission of the bona fides of the crofting application. Regard should 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, the better agricultural land of the croft and not compound sporadic suburban type development.

CONSULTATIONS

14. **Highland Council Area Roads Manager** raises no objection to the proposal, but recommends that conditions are attached relating to a standard servicing bay at the front of the site, access in accordance with Highland Council Guidelines. Any fencing along the front of the site shall be set back at least 2 metres from the nearside edge of the public road, visibility splays should also be provided in accordance with guidelines as should parking and manoeuvring space for at least 2 cars within the curtilage of the property.
15. **SEPA** has been consulted upon the proposal and consider that the foul drainage proposals are acceptable providing minimum standard distances can be achieved. Surface water should be discharged to soakaways as outlined in the application.

16. **Crofters Commission** confirm that Mr Mackenzie has been assigned a share in the Strone Common Grazing with a souming of 40 sheep from his father, who will be re-letting a small part of a croft to him which will establish a base for his crofting enterprise and provide access to the common grazings. A small area of common grazing is to be apportioned as a site for a croft house and an agricultural building.
17. Mr MacKenzie is participating in the Highlands and Islands Croft Entrants Scheme and will be a welcomed asset to the township, bringing youth, enthusiasm and a sound understanding of crofting practices. The erection of a new house is necessary as someone must be on hand for animal welfare matters and the security of livestock. The Crofters Commission therefore support the application on the basis of the operational need for a new croft house.
18. **Highland Council Archaeology** note that the site lies within an area where prehistoric remains are recorded. In addition, a historic well is recorded on the site on the 1870 Ordnance Survey map. This is an area where there is believed to be potential for associated archaeological features or finds to be affected by the development. While the risk is not such to warrant a full archaeological excavation, it is important that the full extent and nature of any archaeological features should be identified and recorded before construction. To achieve what is required at the site an archaeological watching brief condition is recommended.

REPRESENTATIONS

19. **Newtonmore and Vicinity Community Council** comment that although there have been recent housing developments on agricultural land on Strone Road and that there is a vacant property nearby, we have no reason to believe that this application is for anything other than a croft house for the applicant. The Community Council are pleased to see that Alister MacKenzie, whose ties to Newtonmore and the crofting community go back for many generations, wishes to follow in the footsteps of his father and forefathers. We consider that this request is in line with the CNPA's plan to encourage the continued development of crofting as it helps to maintain people living in rural locations, particularly around settlements.
20. A letter has been received from the applicant stressing the urgency of the need for the house. The letter is attached at the back of the report.

APPRAISAL

Principle

21. This is an outline planning application so the main issue revolves around the acceptability a house at this site in principle. The policy context is clear that the site is located within a restricted countryside area where dwellings would not normally be allowed without a land management justification.
22. The policy itself does not place any particular emphasis upon crofting. However, it is clear that crofting is a form of land management and exceptions have been made on this basis by both Highland Council and the CNPA on previous applications.
23. Highland Council's Development Plan Policy guidelines 2003 contain the most specific up to date guidance on such matters. The later 2006 guidance retains the same guidance in relation to croft house applications. This policy recognises that a degree of flexibility will be required, for example, in some circumstances it may not be possible to sustain full time land based employment and this should be taken into consideration in any assessment. Any application for a house should be on a registered croft or associated common grazing and be accompanied by appropriate confirmation from the Crofters Commission of the bone fides of the crofting application.
24. As noted in the consultations section the Crofters Commission is expressing full support for this application and has confirmed the justification for the proposal.
25. As mentioned by the Community Council is a derelict traditional house just to the west of the proposed site. However, it is clear from the submitted neighbour notification plan that this is not in the ownership of the applicant. The policy guidelines also consider that where exceptions are made any development should also support the traditional settlement pattern and not compound sporadic suburban type development. The plan submitted shows an indicative site for the house. This is quite a long site on the frontage of the road and I am sure that any future detailed application would be able to accommodate a house on the site while respecting the traditional settlement pattern of the area. Some indicative drawings have been supplied showing the type of traditional house that could be proposed at the site by any detailed application.
26. The CNPA has previously supported croft house proposals in restricted countryside policy areas where there is a proper case being put forward with the support of the Crofters Commission. In addition, the recently approved application for an agricultural building at the site is further evidence of the applicants intentions. Because of this, in my view, the principle of a house at the site is acceptable because of its

crofting justification under the Highland Council Guidelines of both 2003 and 2006. However, to be consistent with previous decisions and to ensure that the house is used into the future for its stated purpose I would recommend that a Section 75 Agreement is applied ensuring that the house is occupied for crofting purposes and not sold separately from the croft.

Technical Issues

27. The Area Roads Manager expresses no objection to the application subject to recommended conditions which are incorporated at the back of the report.
28. Foul drainage is to a septic tank which SEPA has no objection to and surface water drainage is to be via soakaways.

Conclusion

29. Overall, this is a relatively straightforward proposal. With the crofting exception justified there are no other principle policy issues or technical problems associated with this application. As discussed below the proposal also measures well against the aims of the Park. Consequently, I would recommend approval subject to a Section 75 Agreement ensuring that the house is used by someone working the croft and that it is not sold separately from the croft.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

30. There is no particular natural heritage issue in relation to this application the site being made up of rough grazing ground. In terms of cultural heritage there may be archaeological implications but these have been assessed by Highland Council and can be covered by an archaeological watching brief condition. The approval of the application will enhance the cultural heritage of the area in the sense that it will help to maintain the historic use and cultural identity of the area for crofting into the future.

Promote Sustainable Use of Natural Resources

31. This is only an outline application so it is not clear where the material for the house will be sourced. However, the proposal is in a sense an economic one and embodies the idea of working from home.

Promote Understanding and Enjoyment of the Area

32. The proposal has little relevance to this aim.

Promote Sustainable Economic and Social Development of the Area

33. The proposal clearly accords with this aim by maintaining the croft use of the area into the future, providing a house for a local family to work the croft holding from. A Section 75 Agreement is recommended to ensure that this continues to be the case.

RECOMMENDATION

That Members of the Committee support a recommendation to: **GRANT Outline Planning Permission** for a Croft House at Strone Road Newtonmore subject to the following:

- A. The completion of a Section 75 Legal Agreement which ensures the house is occupied by a person working the croft and which does not permit the house to be disposed separately
- B. 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, means of access thereto, means of enclosure and landscaping proposals 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. A combined access/service bay shall be formed at the point of access to the site. Construction for at least the first 6 metres from the nearside edge of the public road shall consist of a minimum of 40mm thick Close Graded Wearing Course on 60mm Dense Basecourse on a minimum thickness of 350mm Type 1 sub base, all on a sound formation. Thereafter the access track shall be at least 3 metres wide and the construction shall consist of 350mm thick Type 1 sub-base all on a sound formation.
 - 3. The gradient of the access shall not exceed 5% for the first 5 metres and thereafter shall not exceed 10%.
 - 4. Fencing along the frontage of the site shall be set back 2 metres from the nearside edge of the public road and 1 metre from the rear of the service bay/passing place.
 - 5. Visibility splays shall be maintained and provided on each side of the access in accordance with Highland Council Area Roads Manager requirements. Details of visibility splays shall be submitted concurrently with any reserved matters application and provided on site prior to the first occupation of the house.

6. Any gates to be provided shall be set back at least 3.5 metres from the edge of the public road and shall open into the property only.
7. Parking and manoeuvring space for at least 2 no cars shall be provided within the curtilage of the property such that vehicles may enter and leave the site independently in forward gear.
8. Prior to the commencement of the development, arrangements for an archaeological watching brief to be carried out on site clearance and excavation works, in accordance with the attached specification, shall be submitted to and require the approval of the CNPA acting as planning authority in consultation with Highland Council Archaeologist. No site clearance or excavation works shall take place until that approval has been given and all such works shall thereafter be implemented in accordance with the approved arrangements.
9. The development shall be of a traditional architecturally sympathetic design in respect of detailed siting, building form, detail and finishing materials.

ADVICE NOTE

No water shall be discharged on to the public road

Prior to any work of excavation or surfacing starting within 2 metres of the public road edge a road opening permit shall have been obtained from the Roads Authority.

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30 January 2007

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.