

CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: ERECTION OF DWELLING AND GARAGE ON SITE OF FORMER SUMMER HOUSE, CROFTRONAN, BOAT OF GARTEN

REFERENCE: 04/229/CP

APPLICANT: MRS LAWNS C/O A W LAING, 110 HIGH STREET, GRANTOWN-ON-SPEY

DATE CALLED-IN: 7 MAY 2004

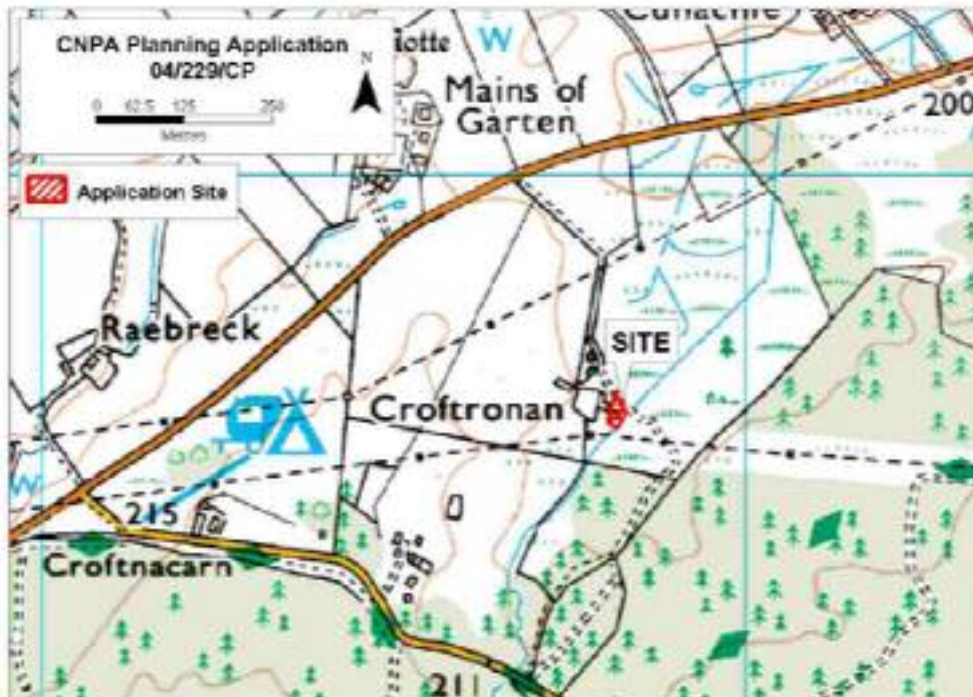


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site is located to the south of the B970 between Nethy Bridge and Boat of Garten and is accessed via an unmade track from the B970. There is a small group of buildings including a dwelling, a house currently under construction, a steading which is currently the subject of a planning application to Highland Council that the Planning Committee considered and decided not to call in at an earlier meeting. There is also a former summerhouse to the east of the steading, which essentially forms this application site. There is also an existing planning permission for a house closer to the B970 near the start of the access track, it is understood that this is to be used in connection with crofting activities at the site and to be occupied by Mrs Jack (the applicant's mother).
2. The summerhouse is a corrugated single storey building, which shows signs of having been lived in at one time; one section has also been used for agricultural storage. The Committee deferred consideration of the application at the Aviemore meeting to allow the applicant to speak at a future meeting. Since then the applicant has pointed out that the house was lived in on a very regular basis.
3. The proposal is to demolish this building and replace it with a 3-bedroom bungalow, it is intended that this unit would be occupied by the applicant, who currently lives near Perth and is the daughter of Mrs Jack. This would enable the daughter to help in the running of the croft and return to Strathspey. The applicant points out that it is not her intention to sell off the house for profit or gain.
4. The design of the bungalow is based upon a simple rectangular footprint, set forward of the summerhouse (see appended site plan) and appears to incorporate a render finish with roof tiles. A single pitched roof garage in similar materials is proposed adjacent to the house. A revised design proposal has been received since the Aviemore meeting that indicates an entrance porch, overhanging eaves and exposed rafters.
5. Two additional issues are important to note in relation to this application. Firstly, the steading application (being dealt with by Highland Council) has encountered certain problems because of this application. Namely, that the approval of this application would potentially result in neighbouring amenity/drainage problems between the steading and the position for this dwelling (the applicant has indicated a willingness to move the siting for this bungalow further away from the steading to resolve this issue). Secondly, the approval of this application would result in more than 4 dwellings being served by an unadopted road contrary to Structure Plan Policy H8. However, the applicant has circumvented this issue by applying to Highland Council for a separate access from the B970 for the house (approved but not yet built) nearest to the B970. This would result in the "four houses rule" not being breached should this application be approved. It is understood that Highland Council Highways Officers have no objection to this approach provided that the un-made road is tarmaced as far as the first house (which, as mentioned above has not yet been constructed but does have planning permission).

DEVELOPMENT PLAN CONTEXT

6. **Highland Structure Plan Policy H3 (Housing in the Countryside)** states that new 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 the 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); impact on resources including habitats, landscape, scenery etc. **Policy H8 (Access Arrangements for New and Existing Development)** considers that development proposals, which involve new or improved access to serve more than four houses, shall be served by a road constructed to adoptive standards. The road should normally serve all of the new development and any existing development.
7. **The Badenoch and Strathspey Local Plan Policy 2.1.2.3 for Restricted Countryside Areas** has a strong presumption against the development of houses in all sensitive areas. Exceptions will only be made where a house is essential for the management of land, related family and occupational reasons. Restrictions on the subsequent occupancy of such houses will be enforced, and adherence to the principles of good siting and design will be required. The clause on design contained within **Policy 2.1.2 (Housing in the Countryside)** states that single houses outwith recognised settlements will require to be (amongst other things), compatible with the scale and character of local buildings where appropriate, and properly located in harmony with the landscape.
8. 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).

CONSULTATIONS

9. **Highland Council Area Roads and Community Works Manager** responds that visibility splays set 3.0 metres back from the centre of the access road for a southwesterly direction of at least 130 metres and in a northeasterly direction for 150 metres. Within the splays nothing shall obscure drivers eye visibility above 1 metre in height. Parking and manoeuvring for at least two vehicles and a larger service vehicle shall be provided close by the curtilage of the property so that all

vehicles may leave the site independently in forward gear. No water shall discharge onto the public road and prior to any excavation being carried out within 2 metres of the public road a permit shall have been obtained from the Roads Authority. **Highland Council Area Planning** have responded, pointing out that in basic terms the proposal is in a restricted countryside area and contrary to policy, although a family related reason is put forward based on the operation of the croft. Planners point out that if this application was approved and the summerhouse application approved this could result in more than 4 dwellings being served by an unadopted road. It is pointed out that the siting for the dwelling could result in difficulties for the implementation of drainage for the steading application as well as potential neighbouring amenity problems. Attention is also drawn to the fact that the proposed house could obstruct a track that leads into the Abernethy Forest. Since the Aviemore meeting the applicant has pointed out that it is not her intention to obstruct the track leading to Abernethy Forest.

10. **SEPA** notes that surface water drainage is to be provided by means of separate soakaways. It is noted that foul drainage is to be by septic tank. SEPA raises no objection providing that there is no public sewer within reasonable distance; that the proposal meets Part M of the Building Standards and that Building Control colleagues are satisfied with the proposals. **The Crofters Commission** have been consulted since the application was last reported and consider that there has been no crofting need identified in this case as the Commission have already approved the de-crofting of two parts of the land to provide sites for 2 houses one of which it is understood has not yet been developed. It is the Commission's view that the undeveloped site will meet the needs of the applicant.

REPRESENTATIONS

11. A neighbour to the site objects to the application as they bought their house in 1985 with a view that there were no other houses in the vicinity apart from the disused summerhouse. Concerns are raised that Crofttronan will become a mini settlement and that the houses may become holiday homes. It is considered that views will be spoiled and that disturbance will be caused by holidaymakers moving up and down a single track with no passing places. A further point is made that the houses are close to pylons.
12. The intended occupant of the house writes to point out that her mother is presently in the process of building her new home at Crofttronan and as she is 84 is very anxious to have her daughter close by.
13. The Agent has provided a letter setting down the history of the summerhouse
14. Since this application was deferred a letter has been received from a resident of Boat of Garten that a Mrs Occlestone lived in the cottage over the summer months. The writer supports the application. In addition the applicant has responded to the points of objection made by the neighbour (See end of report for copies of representations).

APPRAISAL

15. There are two key areas of appraisal in relation to the principle of this application, then several issues of detail relating to siting and design.
16. The first issue relates to whether this application can be fairly considered as a replacement dwelling for one already at the site. The existing corrugated dwelling has not been used for some time and has partly been used for agricultural storage. The applicants point out that the building has been lived in and a supporting letter points out that a Mrs Occlestone had occupied the building in the summer months. However, there is difficulty in providing a clear date as to when the building was last occupied for permanent residential purposes, although it has been in the ownership of the family for as long as can be remembered.
17. A site inspection has been carried out and it is clear that the dwelling has not been used as such for some time. From responses from Highland Council Planners it is clear that they do not regard it as a building having an existing residential use because if they did the four house rule for the access would already be broken by the application for the steading to which it is understood there is no formal objection in principle. Because of this, the building can only be considered as abandoned in terms of its residential use and the current application cannot be considered as a replacement dwelling, but a replacement of a redundant building with a bungalow, effectively a new house in a restricted countryside area.
18. Given this, the proposal falls to be considered against the relevant policies set out to provide guidance on houses in restricted countryside areas. The relevant policies consider that in exceptional circumstances approval for such applications can be given provided that proposals have a land management justification or are for related family purposes in connection with the management of that land.
19. In this case, and as noted by the Crofters Commission response the site already has an approved house for the management of the croft, in the form of the consent closest to the B970 so land management purposes alone cannot justify this particular proposal. The argument put forward by the applicant involves related family purposes in that the house is required for the daughter of an elderly parent who will operate the croft but needs the help of the daughter to do so. While this may be a positive argument in favour of the proposal members must consider that the croft has an approval for a house to manage the land, that a house under construction at the site has received approval from Highland Council without a land management justification, on a site that was understood to be in the ownership of the same family. In addition, Highland Council may support the application for the steading next door to this site, as it would help to conserve a traditional building.
20. This means that the applicant's have (or have had) two other opportunities at Croftroman to provide an additional dwelling without the approval of this application. Given that these alternatives have existed, or still exist it is considered unreasonable that yet another dwelling should be approved at the site, contrary to a general policy of restraint in this area. In addition, the possibility of some form of annexe accommodation could be considered at the house to be

constructed nearest the B970 without necessarily contravening restricted countryside policy. However, the applicant has now responded that annexe type accommodation would be unrealistic for both parties.

21. The proposal would offer the opportunity to clean up part of the site. However, this is not considered to have a great impact in terms of public views of the site, and in any case this approach should not be used as a means to circumvent the general policy of restraint in this area.
22. While there was no particular objection to the single garage, in design terms the detail of the bungalow was uninspiring and it was considered that any design approach for the site should adopt a more sensitive approach. Policy G2 (Design for Sustainability) considers that proposals should demonstrate sensitive siting and high quality design in keeping with local character and the natural environment. Plans have now been submitted indicating a revised design proposal, which includes an entrance porch, overhanging eaves and exposed rafters. This approach is considered reasonable and to some extent reflects the detail of the building to be removed and would be more appropriate given the proposed bungalows proximity to the traditional granite steading adjacent. Given this, the original design reason for refusal has been removed from this report.
23. If members wished to approve this application it is recommended that no final decision is made on the proposal until the revised access proposal to the approved house site nearest the B970 has been approved by Highland Council, it is also recommended that a revised siting is sought to ensure that there are no conflicts with the steading application being dealt with by Highland Council or the obstruction of the access track (originally constructed by the applicant's family), although the applicant has now pointed out that the access track can be re-sited and reinstated. It is also recommended that the bungalow be tied to the croft. Confirmation should also be sought that there is no public sewer in a reasonable distance of the site.

IMPLICATIONS FOR THE AIMS OF THE PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

24. As a stand-alone development, in principle this proposal would be unlikely to have any particular detrimental impact in relation to natural heritage, as the house would be positioned on the site of an existing building. The original design was considered detrimental to the cultural heritage of the area but the latest design better reflects the form of the existing building on the site.

Promote Sustainable Use of Natural Resources

25. There is little to assess from the proposal in terms of this aim. The separation of surface and foul drainage is welcomed.

Promote Understanding and Enjoyment of the Area

26. The proposal has no particular relevance to this aim

Promote Sustainable Economic and Social Development of the Area

27. A further single house at the site would help in the management of the Croft. However, the site has an approval for a Croft House, on a site near to the B970 has been approved to accommodate this aim. The addition of another house at what is a relatively isolated site without a clear land management justification is considered not to be particularly sustainable given that it would be likely to result in more use of private transport movements and therefore be detrimental in terms of sustainability.

RECOMMENDATION

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

REFUSE Planning Permission for the erection of a dwelling and garage on the site of a former summerhouse at Croftronan, Boat of Garten for the following reasons: -

- i. The development is contrary to the Highland Structure Plan, 2001, Policy H3 (Housing in the Countryside) and the Badenoch and Strathspey Local Plan, 1997, Policy 2.1.2.3. (Restricted Countryside Areas), both of which aim to protect the general countryside from sporadic, non-essential housing developments. In this instance, the applicant cannot demonstrate that the proposal for the new house is required for, or related to, the essential functioning of any land or livestock management enterprise in the area.
- ii. If approved, the proposal would set an undesirable precedent, which could lead to a proliferation of other similar, unjustified, isolated and sporadic housing developments in the countryside. Cumulatively, this would have significant detrimental impacts on the rural character, quality and amenity of the countryside, which would have negative implications in terms of the collective aims of the National Park.

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