
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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

DEVELOPMENT PROPOSED: OUTLINE PERMISSION FOR THE ERECTION OF A DWELLING HOUSE AND THE ERECTION OF AN AGRICULTURAL BUILDING ON A SITE TO THE NORTH OF MAINS OF GLENCARVIE, STRATHDON.

REFERENCE: 07/360/CP

APPLICANT: MR. & MRS. TAYLOR, C/O STEWART ANDERSON, LAGAVULIN, MONALTRIE AVENUE, BALLATER.

DATE CALLED-IN: 21ST SEPTEMBER 2007

RECOMMENDATION : APPROVE WITH CONDITIONS

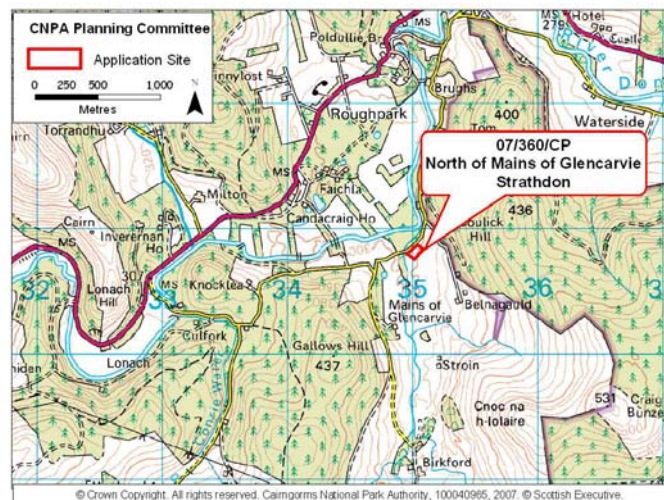


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Outline permission is sought in this application for the erection of a dwelling house and also the erection of an agricultural building on land to the north of Mains of Glencarvie, near Strathdon. The proposed site area extends to approximately 4,000 square metres (1 acre) and lies adjacent to an unclassified public road. The site is within an agricultural field and at the time that the application was initially submitted the site identified was in an exposed and elevated position in the centre road frontage of the field. Further to concerns raised in the course of assessing the application the site boundaries were altered such that the currently proposed site is further westwards of its originally proposed position, on lower ground, adjacent to the western field boundary.
2. The land on which the site is proposed is part of an agricultural landholding which extends to 211 hectares and is in the ownership of the applicants family. The majority of the landholding extends in a relatively linear block to the south and includes groups of buildings at Stroin and Birkford. There is also a smaller fragmented section of the landholding a short distance to the north of the proposed site. The landholding consists of agricultural land and woodland, with Torr na Sithinn wood located in the centre of the farm unit. The field in which the site is proposed slopes considerably from east to west, with the lower lying western end being bounded by a small water course (Water of Carvie).



Fig. 2 : Originally proposed site

Applicants Case

3. The applicants currently live in Strathdon, approximately three miles from the farm. One of the applicants, Mr. Robert Taylor, is the son of the landowner and is the third generation of the family to engage in agriculture on the landholding. A labour requirement report, prepared by the Scottish Agricultural College Farm Business Service, has been submitted in support of the application. According to the report, the 211 hectare farm consists of a mix of rotational grassland (61 hectares)

and rough grazing (139.66 hectares).¹ A small herd of 28 suckler cows is out-wintered and a flock of 250 ewes are lambed indoors in March and April. The SAC report calculates that the total working hours required to operate the farm are 3,273 per annum. Based on the UK Agriculture Departments Standard Labour Unit of 1900 hours, the labour requirement for the farm is calculated as 1.72 labour units. In addition to including a summary of the activities undertaken and the hours devoted to each, the SAC report also emphasises that “breeding livestock are kept on this farm” and recommend “in the interests of animal welfare and security, it would be desirable to have a stockman resident on the farm.”

4. Supporting documentation from the applicants provides further detail on the extent of involvement in the operation of the farm. In response to queries raised by the CNPA planning officer in relation to the labour situation on the farm, it has been confirmed that the applicant, Mr. Robert Taylor, is the only farm worker on the farm. His father, who he mentions is past retiring age, assists only on occasional, busy times of the year, such as at lambing time or during silage making. At present, the applicant travels from his existing home in Strathdon, which is over three miles from the farm and he points out that this journey is for the most part along a “single track, twisty and very hilly” road, which “becomes blocked very easily every winter.” The applicants have advanced the case that the construction of a family home on the landholding would ensure that Mr. Taylor would be on hand for essential animal welfare at all times, regardless of weather conditions.
5. Aside from providing evidence to demonstrate the extent of involvement in operating the landholding, the supporting documentation also provides further details to demonstrate the background to the need for the proposed dwelling house at this particular location. Although the applicants own their existing dwelling house in Strathdon, it is described as a “small, two bedroomed house” which is now insufficient for their family, which includes a son and daughter. In response to queries raised by the CNPA regarding the potential availability of other suitable buildings on the landholding for residential use, the applicants have stated that there are no suitable buildings available. A steading which exists on the landholding at Birkford is in use as a tractor and repair shed. It has been conceded that a partly ruined cottage exists on the landholding at Stroin (approximately 800 metres to the south of the proposed site), but this has been discounted as being impractical for renovation, as it is in an extremely remote location and does not have the benefit of any access road.
6. The issue of proximity to the public road network has also been highlighted as being of importance to the applicants and appears to have influenced their choice of location on the landholding. Mr. Taylor

¹ The remainder of the landholding comprises of 4.22 hectares of woodland, 2.12 hectares taken up by roads, yards and buildings and in addition there is also a 4 hectare field which is rented.

is a retained firefighter in Strathdon and is trained as one of the drivers. He is also chairperson and a founding member of the Lonach First Aid Responders. In both instances he is frequently 'on call' and is required to respond within minutes and therefore requires immediate access to the public road network.

7. The applicants have confirmed that they are willing to enter into a Section 75 legal agreement or accept any occupancy condition tying the house to the farm in perpetuity.

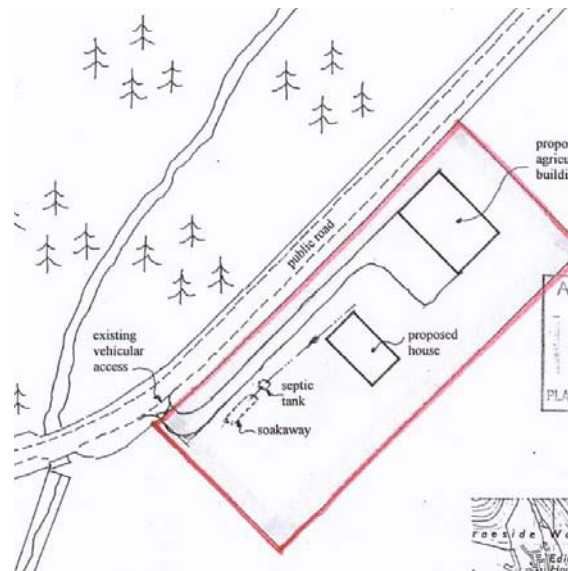


Fig. 3 : Originally proposed site boundaries and layout

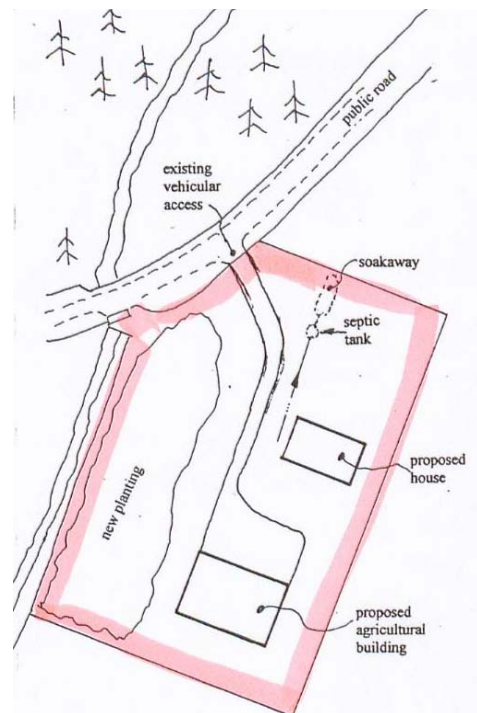


Fig. 4 : Revised site boundaries and layout

DEVELOPMENT PLAN CONTEXT

National Planning Context

8. 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 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.

9. **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.

10. **Planning Advice Note 72** is the most recent advice from central government on **Housing in the Countryside, (February 2005)** and 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.” In its concluding remarks, it states “Every settlement should have its own distinctive identity. This is 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.”

11. **Paragraph 13 of NPPG 14 Natural Heritage** recognises that the scale, siting and design of new development should take full account of the character of the landscape and the potential impact on the local environment. Particular care is needed in considering proposals for new development at the edge of settlements or in open countryside.

Structure Plan

12. Section 3.18 of the **North East Scotland Together, Aberdeen and Aberdeenshire Structure Plan 2001 – 2016 (NEST)** directs new development towards towns and villages and to meet market demand in existing settlements in preference to isolated development in the open countryside.
13. Policy 12 of **NEST**, entitled House Building in the Countryside Beyond the Green Belt states that there will be a presumption against house building in such areas except
 - (a) rehabilitation or extension of an existing house; or
 - (b) replacement on the same site of the largely intact house; or
 - (c) a new house which is essential to the efficient operation of an enterprise, which is itself appropriate to the countryside.

Policy 12 also includes the caveat that “all such development must be of the highest quality particularly in terms of siting, scale, design and materials.

14. Policy 19 of **NEST** refers to Wildlife, Landscape and Land Resources and outside of designated sites it is the general policy that “all new development should take into consideration the character of the landscape in terms of scale, siting, form and design. Design concerns are further expressed in Policy 20 relating to the Built Heritage and Archaeology, with section 4.12 highlighting the fact that national trends towards standard forms of construction can threaten the distinctive character of the North East and emphasising that good design has an important contribution to make towards achieving sustainable development.

Local Plan

15. The **Aberdeenshire Local Plan** includes more detailed policies. The main policy applicable to the proposed development is **Policy Hou\4 on New Housing in the Countryside including the Aberdeenshire Part of the Cairngorms National Park**, where it is stated that a single new house will be approved in principle if :

- (a) it is for a full time worker in an enterprise which itself is appropriate to the Countryside;
 - (b) the presence of that worker on-site is essential to the efficient operation of that enterprise;
 - (c) there is no suitable alternative **residential accommodation available**;
 - (d) the proposed house is within the immediate vicinity of the worker's place of employment; AND
 - (e) it conforms with Appendix 1 (The Design of New Development in Aberdeenshire).
16. The primary aim of **Policy Hou\4** is to support a long term sustainable pattern of development. It is intended to prevent sporadic development in the countryside and assist in directing new housing development into cohesive groups of houses. The Plan recognises that for some people it is essential to live in countryside because of economic need. The Plan aims to ensure that any new house approved under Part 1 of Policy Hou\4 is never sold to a non essential worker, and as a result developers would be required to enter into a Section 75 agreement.
17. Chapter 7 of the **Aberdeenshire Local Plan** details General Development Policies, with **Policy Gen\2** on the Layout, Siting and Design of New Development being of particular relevance in the context of the proposed development. The main aim of the policy is to achieve high quality new development, which respects the environment and provides a sense of place. The policy sets out a number of fundamental layout, siting and design principles, including the need for the development to fit successfully into the site and respect the character and amenity of the surrounding area; the scale, massing, height and design should be appropriate and display a high standard of design, materials, textures and colours which should be sensitive to the surrounding area; it respects existing natural and built features on or around the site; and it respects the characteristics of the landscape in which it is proposed.
18. Other relevant policies include **INF\4A Foul Drainage Standards** which is to achieve satisfactory disposal of sewage and thereby maintain and improve standards of public health, amenity and the quality of the environment; **GEN\1 Sustainability Principles** which is to ensure that all new development is as sustainable as possible and that developers give increasing consideration to sustainability aspirations in their proposals; and **Appendix 1, The Design of New Development in Aberdeenshire**. The appendix provides design guidance on a variety of issues, including location, site layout, building design and also a specific section on housing design in the countryside.
- Cairngorms National Park Plan (2007)**
19. The recently adopted **Cairngorms National Park Plan** 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.

CONSULTATIONS

20. Aberdeenshire Council’s **Environmental Health** section has examined the proposal and note that the applicants propose to use an existing private water supply. Reference is also made to the fact that the supply, which is at Birkford on the landholding, was tested in January 2007 and failed to meet some of the parameters failed to meet the requirements of the Private Water Supplies (Scotland) Regulations 2006. Consequently the Environmental Health Service require in the event of planning permission being granted that the applicants prove that the water supply is wholesome prior to the occupation of the dwelling house. Subject to addressing this issue the Environmental Health Service have no objection to the proposed development, subject to conditions requiring the provision of satisfactory samples to demonstrate that the supply has been improved by the installation of appropriate treatment and also provision of details of the quantity of the private water supply.
21. The **Transportation and Infrastructure** (Roads) department of Aberdeenshire Council have assessed the proposal and has no objection, but recommends that a number of conditions are included in the event of the granting of planning permission. The recommended conditions include requirements that the access is located as shown on the site layout plan²; that at least the first 5 metres of the public road shall be fully paved and not surfaced with loose material; the provision of off street car parking within the site, with the area surfaced with hard standing; the formation of a lay bye along the frontage of the site, incorporating the proposed vehicular access; the achievement of the required visibility splays; and the formation of a suitable vehicle turning area within the site in order to enable all vehicle movement onto and from the public road to be carried out in a forward gear.

² Although the site boundaries altered in the course of this application, the actual access point identified in both instances remained unchanged, where it is proposed to use the existing agricultural entrance to the field.

22. **Donside Community Council** has responded to a consultation response stating that “the committee sees no reason to object to this application.”
23. The **Planning Gain Co-Ordinator** at Aberdeenshire Council has prepared a consultation response recommending that financial contributions are required towards affordable housing provision, education services and public art.
24. The proposal has been assessed by **SEPA** and comments have been made in relation to foul drainage and surface water drainage. The proposals for foul drainage are acceptable where the required minimum distances can be achieved.³ The response from **SEPA** also notes that surface waters from the proposed dwelling house will be drained to soakaways and this is considered acceptable. It is noted however that no details have been provided for surface water drainage in respect of the proposed agricultural building. The response from **SEPA** refers to the requirement of the Controlled Activities Regulations (CAR) that sites are drained by a Sustainable Urban Drainage System. It is suggested that surface water drainage measures for small scale applications could compromise simple devices such as separate land soakaways if the site conditions are appropriate, or a filter trench prior to discharge if not.
25. Also in relation to the proposed agricultural building, the response from **SEPA** includes reference to the potential housing of animals, noting that if slurry is produced due to this, **SEPA** would not object, provided that location and design permitted by planning is compatible with The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003. **SEPA** advise that in a planning context it should be ensured that
- (a) no part of the slurry storage tank, or any effluent tank, channels, pipes or reception pit shall be situated within 10 metres of any inland or coastal waters;
 - (b) the base of the slurry storage tank, the base and walls of any effluent tank, channels or reception pit and the walls of any pipes shall be impermeable; and
 - (c) the capacity of this new structure, together with the existing storage capacity, should provide at least 6 months storage, unless otherwise agreed with **SEPA**.

REPRESENTATIONS

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

³ 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.

APPRAISAL

27. The main issue to consider in this application is whether or not the principle of a dwelling house is acceptable and whether or not it complies with the planning policy applicable to the area.
28. As detailed earlier in this report Policy 12 of **North East Together, Aberdeen and Aberdeenshire Structure Plan 2001 – 2016 (NEST)** advocates a presumption against house building in the countryside unless the proposed new house is essential to the efficient operation of an enterprise, which is itself appropriate to the countryside. This concept is further reinforced in Policy Hou\4 of the **Aberdeenshire Local Plan**. The applicant is the principle worker on a landholding which generates annual labour requirements of 1.72 labour units, and the report from the Scottish Agricultural College refers to breeding livestock being kept on the farm and recommends that a stockman should be resident on the farm in the interests of animal welfare and security. On the basis of the information provided I accept the case that the applicant is a full time worker in the agricultural enterprise and that his presence on the landholding is essential to the efficient operation of the enterprise. The proposed new dwelling would be on the landholding and therefore fulfils local plan policy criteria of being within the immediate vicinity of the workers place of employment. In addition, as detailed in paragraph 6 of this report, there are no suitable alternative residential accommodation options available in the immediate vicinity of the landholding. Based on all of the foregoing factors I consider that a sufficient case has been made to demonstrate that the development proposal is in compliance with Structure Plan and Local Plan policies on housing in the countryside.
29. On the subject of siting and layout, as detailed in paragraph 1 of the report amendments to the site boundary and proposed indicative layout have been made in the course of this application, in response to concerns raised by the CNPA in relation to the somewhat elevated and exposed siting of the dwelling and agricultural building, as originally proposed. The original layout would result in the structures being positioned in a central area of the field, on elevated ground, where there would be a significant degree of visual impact, particularly from the proposed agricultural building, which occupies quite a sizeable footprint on the indicative site plan. In contrast, the amended site boundaries and layout make provision for access to the site to be maintained in its originally proposed position (which has been accepted by the roads section of Aberdeenshire Council), but with the overall site being repositioned to the lower ground area of the field. The site configuration is such that it now occupies a more limited area of road frontage and extends further into the field adjacent to the western field boundary, as opposed to its previous configuration extending from west to east along the road frontage at a more exposed part of the landholding. Although the site layout plan is merely indicative in this application for outline permission, it demonstrates that the proposed

dwelling house could be located towards the front of the site, with the agricultural building in a more concealed position to the rear of it. The site layout plan identifies a significant area of new planting in the western area of the site, which would assist in minimising the visual impact of the development proposal, particularly as viewed from the western approaches. The natural levels of the land, which are more elevated on the eastern side, already provide some degree of screening of this lower lying western area of the field.

30. Based on all of the foregoing factors, I consider that the development proposal is in accordance with planning policy and is acceptable.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

31. Other than its location within the Cairngorms National Park, the subject sites does not have any other natural heritage designations, nor is the proposal of significance to the cultural heritage of the area. The proposal would not have any impact on this aim.

Promote Sustainable Use of Natural Resources

32. As this is an application for outline permission, details have not been provided of the proposed dwelling house and as such it is not possible to assess whether or not the proposal complies with this aim.

Promote Understanding and Enjoyment of the Area

33. The proposal would not make any direct contribution to the promotion of the understanding and enjoyment of this area by the general public.

Promote Sustainable Economic and Social Development of the Area

34. The location of another single house in the countryside has the potential to add to servicing costs for the local community in terms of services such as school transport, refuse collection, fire and health etc. and would tend to promote reliance upon the private car.

RECOMMENDATION

That Members of the Committee support a recommendation to:

Grant outline permission for the erection of a dwelling house and the erection of an agricultural building on a site to the north of Mains of Glencarvie, Strathdon, subject to completion of a S75 Legal Agreement which restricts the occupancy of the new dwelling house to the applicants or any person employed (or last employed) in agricultural activity on the 211 ha. landholding on which it is proposed and restricting the sale of the proposed dwelling house separate from the landholding, and also to ensure the payment of development contributions in respect of planning gain; and also subject to 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 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. The proposed dwelling house shall be designed in accordance with the traditional vernacular architecture of the area and shall be a maximum of 1 ½ storeys in design, and shall incorporate the use of external materials that visually compliment existing properties in the wider area.**
- 3. An application for approval of reserved matters shall be accompanied by a detailed landscaping plan and a maintenance plan for the proposed site and the associated landholding, which shall include**
 - (i) proposals for the planting of semi mature trees and shrubs of indigenous species on the boundaries of the overall area;**
 - (ii) details of all other types of new boundary treatments proposed; and**
 - (iii) details of all surface treatments.**

The landscaping and maintenance programme shall be implemented and maintained in accordance with the approved plan. The plan shall include details of the siting, numbers, species (which shall be appropriate to the proposed setting) and heights (at the time of planting) of all trees, shrubs and hedges to be planted and shall ensure:-

- (a) Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the Planning Authority;**

- (b) The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the 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. A detailed site layout plan submitted as part of an application for approval of reserved matters shall demonstrate compliance with the following requirements –
 - (a) The access located as shown on indicative site plan drawings submitted as part of the application for outline permission;
 - (b) The provision of off street parking in accordance with Aberdeenshire Council's Car Parking standards, and surfaced in hardstanding materials;
 - (c) The formation of visibility splays, measuring 2.4 metres by 90 metres, either side of the proposed vehicular access and thereafter shall be kept free from all permanent obstructions above the adjacent carriageway level; and
 - (d) the provision of a suitable vehicle turning area, measuring not less than 7.6 metres x 7.6 metres, within the site to enable all vehicle movements onto or from the public road to be carried out in a forward gear.
- 5. The access with the public road shall not be surfaced with loose material and shall be fully paved for at least the first 5 metres.
- 6. Adequate provision shall be made for internal surface water drainage in order to ensure that surface water does not run from the site onto the public road and vice versa.
- 7. Prior to the first occupation of the proposed dwelling house, the water supply shall be improved by the installation of appropriate treatment and satisfactory samples to demonstrate this improvement shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with the Environmental Health section of Aberdeenshire Council.
- 8. An application for approval of reserved matters shall include details of the quantity of the private water supply.

9. All public services for the development, including electrical, cable television and telephone cables, shall be located underground throughout the site.
10. 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.
11. An application for approval of reserved matters shall be accompanied by detailed surface water drainage proposals for the agricultural building, which should include the adoption of a Sustainable Urban Drainage System.
12. Where the agricultural building is intended to house animals, the development shall adhere to the following requirements –
 - (i) no part of the slurry storage tank, or any effluent tank, channels, pipes or reception pit shall be situated within 10 metres of any inland or coastal waters;
 - (ii) the base of the slurry storage tank, the base and walls of any effluent tank, channels or reception pit and the walls of any pipes shall be impermeable; and
 - (iii) the capacity of this new structure, together with the existing storage capacity, should provide at least 6 months storage, unless otherwise agreed with SEPA.

Advice notes :

1. All works within the limits of the public road shall be carried out in accordance with the requirements of Transportation and Infrastructure, and application should be made for a Road Opening Permit prior to the commencement of the works. For information and application forms, please telephone (01569) 768455.
2. With reference to condition no. 7 of this permission, the water supply at present does not comply with the Private Water Supplies (Scotland) Regulations 2006 by reason of the presence of coliform bacteria and low pH.
3. As referred to in condition no. 10 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
3 January 2008

planning@cairngorms.co.uk

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.