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## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title: REPORT ON CALLED-IN PLANNING APPLICATION**

**Prepared by: ANDREW TAIT, PLANNING OFFICER (DEVELOPMENT CONTROL)**

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**DEVELOPMENT PROPOSED: REMOVAL OF CONDITION NUMBER 3 OF HIGHLAND COUNCIL PLANNING PERMISSION 00/00214/FULBS (NEW HOUSE ON LAND ADJACENT TO LOCHBUIE CROFT, NEWTONMORE).**

**REFERENCE: 04/198/CP**

**APPLICANT: MR & MRS CALVERT, BIALLAID HOUSE, NEWTONMORE, PH20 1PB**

**DATE CALLED-IN: 23 APRIL 2004**



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. The Planning Committee will recall that this application was deferred in August 2004 at the Logie Coldstone meeting to allow the applicant time to provide a written justification for the proposal. Despite this, the applicant has made no further contact since last August and a letter was sent out in December requesting any further information that the applicant would wish to present to support the proposal. There has been no reply. Therefore, what follows is essentially the same report that was presented at the meeting in Logie Coldstone (minor changes in bold).
2. Planning permission was renewed for a house at land east of Lochbuie Croft, Newtonmore in February 2001. This was for full planning permission, and condition 3 required that, *“the occupation of the dwellinghouse hereby approved shall be restricted to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 277 of the Town & Country Planning (Scotland) Act 1997, or a dependant/spouse/partner of such a person residing with him or her, or a widow or widower of such a person”*.
3. The current application is for the removal of this planning condition, in order that Mr & Mrs Calvert and their family can permanently reside in the house when it is built. The house has not been built to date. Planning permission was granted to a Mr & Mrs D MacKenzie in 1995, and again in 2001, who owned and farmed the land. As far as I am aware Mr D MacKenzie is still the owner of the site.

## DEVELOPMENT PLAN CONTEXT

4. **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).
5. The **Badenoch and Strathspey Local Plan (September 1997) 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 current application site lies within the Restricted Countryside policy area where new houses would not normally be acceptable.

6. 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, following approval of the Structure Plan of 2001. This 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

7. The CNPA **Natural Resource Group** have responded to the application and consider that the proposal would have minimal natural heritage impact but that the site is highly visible and the building may impact on the landscape.

## REPRESENTATIONS

No representations received.

## APPRAISAL

8. In policy terms there is a presumption against new houses in this locality unless a firm need is established for a full-time worker on the land. This has been the case since 1995, when planning permission was first granted on the land, and an agricultural occupancy condition was attached then. Again in 2001 Highland Council renewed the planning permission, and the agricultural occupancy condition continued as a condition of consent.
9. The application is no longer in the name of the owner(s) of the croft, and is in the name of a Mr & Mrs Calvert, who at the time of the application, appeared to be in some urgency to find local accommodation for their family. I had written twice to the applicants and left telephone messages to try to establish any need case (in terms of a land management justification or personal circumstance) for this house, and to establish if they still wish to pursue this application. **The application was deferred at the Logie Coldstone meeting in August to allow the applicant to bring forward additional information. A further request for this information was made in December last year but no contact has been made by the applicant. Because of this, I can again only conclude that the applicant has no special needs case to present, or that they no longer have an interest in the application.**
10. A substantial new 2- storey dwellinghouse has already been constructed at Lochbuie Croft, on the adjacent site to the west. Access to the current application site appeared to be taken through the existing house site using an existing track from the surfaced Strone Road. Another plan submitted with the current application shows a new access road through open ground to the south (although this does not form part of this application).

11. The site is elevated and exposed as pointed out by the NRG response, and straddles a field boundary. In planning terms this site has many drawbacks – visually and physically. In policy terms, the site should only be developed in exceptional circumstances, if there is a substantiated need to house a full-time agricultural worker on this land holding.
12. Given the above, **and that still no case has been made to justify the application in terms of departing from prevailing policy** the proposal to remove the condition cannot be supported.

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

### **Conserve and Enhance the Natural and Cultural Heritage of the Area**

13. The removal of a condition requiring the house to be occupied by someone involved full-time in agricultural work would encourage more sporadic housing in the countryside unrelated to the management of the land, to the detriment of adjacent land uses, and the availability of sites for genuine agricultural workers and their families. The character of the Park landscape and cultural heritage would change with a proliferation of rural dwellings unrelated to local land management. Also sporadic housing developments around the edges of settlements can detract from the character of the settlements, and cause difficulties for future planned expansions to these communities.

### **Promote Sustainable Use of Natural Resources**

14. Not relevant to this application

### **Promote Understanding and Enjoyment of the Area**

15. Not relevant to this application

### **Promote Sustainable Economic and Social Development of the Area**

16. The site is more appropriately ‘reserved’ for an agricultural need in close proximity to this site; otherwise land has been identified in other nearby settlements (such as Newtonmore) for general housing needs, with a reasonable range of community facilities and transportation links, in a more sustainable situation.

## **RECOMMENDATION**

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

**Refuse the removal of Condition 3 of the full planning permission for a dwellinghouse on land adjacent to Lochbuie Croft, for the following reasons.**

**(i)** That the proposal to remove the agricultural occupancy condition is contrary to the Highland Structure Plan, 2001, Policy H3 for Housing in the Countryside, which aims to protect the general countryside from sporadic, non-essential housing developments. The applicants have failed to demonstrate that the need for the new house is required for or related to any land management in this area. If approved, the proposal would encourage other isolated and sporadic developments in the countryside to the detriment of the character of the countryside and the amenity of this part of the National Park area.

**(ii)** That the proposal is contrary to the Badenoch and Strathspey Local Plan, 1997, Policy 2.1.2.3 covering Restricted Countryside Areas, where there is a strong presumption against the development of houses, other than for exceptional circumstances. The proposal fails to meet the exceptional circumstances, and if approved would encourage other visible sporadic developments on open land close to settlements, all to the detriment of the character of the countryside and the amenity of this part of the National Park area.

**Andrew Tait**  
**2 February 2005**

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