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# CAIRNGORMS NATIONAL PARK AUTHORITY

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

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**DEVELOPMENT PROPOSED: ERECTION OF HOUSE AT LAND 215 M NORTH OF THE CROSSINGS, FEABUIE, CROMDALE, (APPLICATION FOR PLANNING PERMISSION)**

**REFERENCE: 09/299/CP**

**APPLICANT: MR G STRATHDEE, C/O HIGHLAND PLANNING, QUEBEC BRIDGE, TAIN**

**DATE CALLED-IN: 2 OCTOBER 2009**

**RECOMMENDATION: REFUSAL**



**Fig. I - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. This site lies to the north of the distillery at Balmenach. The site is accessed from the road between Cromdale and Balmenach via a track that crosses a disused railway line. The track then runs alongside the Cromdale Burn past some filter beds into a scooped out hollow. This is the site for application 09/298/CP being considered on the same planning agenda. The site for this application is immediately to the north of application 09/298/CP. The site is bounded to the east by the Cromdale Burn to the north by a strip of land dividing the burn from agricultural land and to the west by agricultural land. The site for this application is on raised ground that may be formed from ground material scooped out of the hollow area (see Fig 5).
2. The house proposed will be accessed through the site for application 09/298/CP with a parking and turning area where the house would be sited centrally in the plot. The application includes a section drawing (see Fig 8) which shows existing contours in blue with proposed levels in black. Material which forms the mound is indicated as being used on the site.



**Figure. 2 - Access to site.**





**Figure. 3- Site viewed from site for application site 09/298/CP.**



**Fig. 4- Site on raised ground to right of photograph, Cromdale Burn to left.**



**Fig. 5- Site on raised ground behind Rowan Tree site 09/290/CP to left of photograph.**





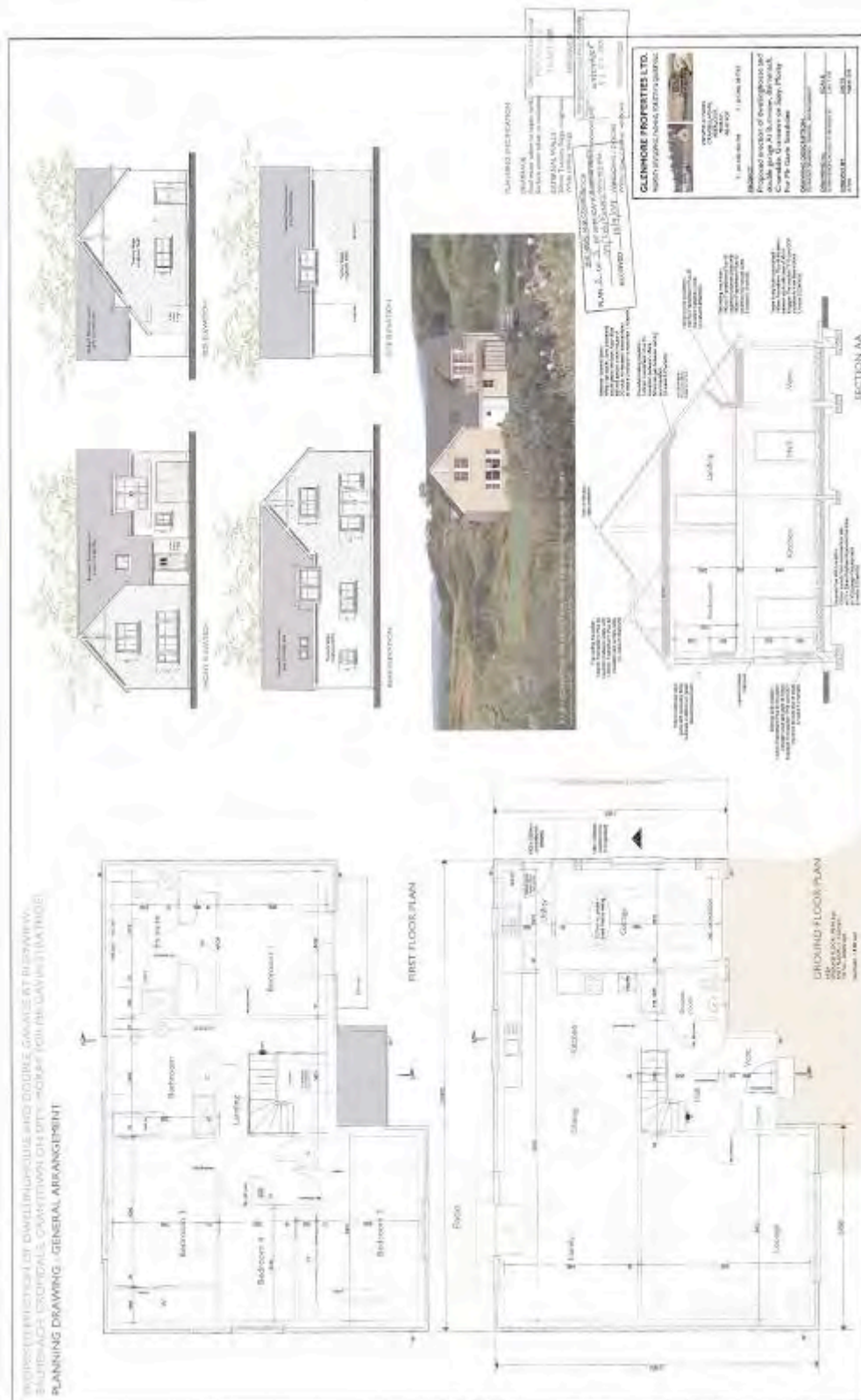
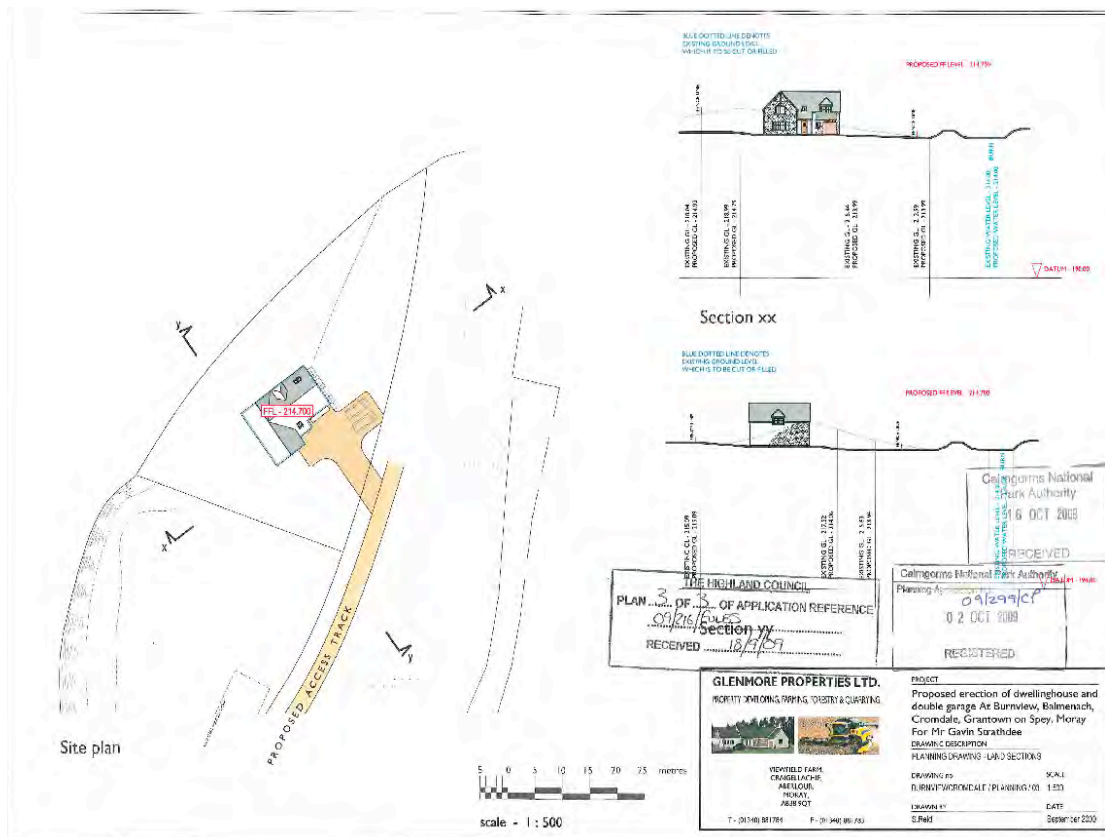


Figure. -7 Elevations and Floor Plans.



- The house sits at the centre of the site with the front elevation facing south eastwards. The house itself would be two storey with an integral garage external finishes are grey concrete tiles for the roof with a 'Tuscany' beige roughcast finish. Windows would be white Upvc double glazed (see Fig.7).

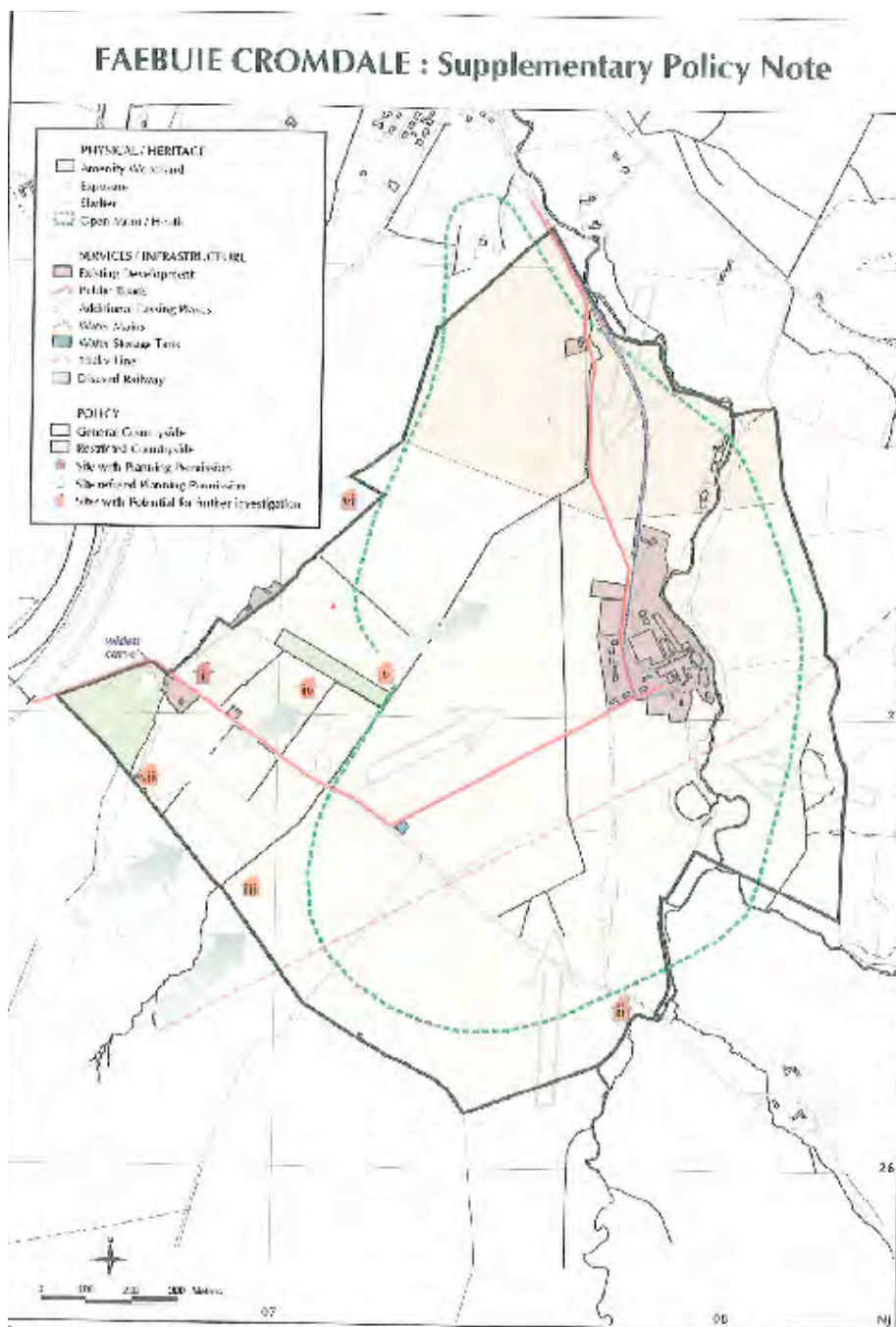
## DEVELOPMENT PLAN CONTEXT

- 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. This is to strengthen the role of the existing settlements and to safeguard the character of the countryside for both residents and visitors. In areas where communities are experiencing difficulty in maintaining population and services some housing may be acceptable.
- 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. These include compatibility with service provision (water and sewerage, drainage, roads, schools, electricity); accessibility by public transport, cycling, walking and car; maximisation of energy efficiency in

terms of location, layout and design (including the utilisation of renewable energy sources); and impacts on resources such as habitats, species, landscape and cultural heritage.

7. **Badenoch and Strathspey Local Plan (September 1997) Policy 2.1.2.3 for Restricted Countryside Areas.** This policy has a strong presumption against the development of new houses. 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 site is located within a restricted countryside area.
8. **Policy 2.1.2. (Housing in the Countryside)** states that single houses outwith recognised settlements will require to be compatible with the scale and character of local buildings where appropriate, properly located in harmony with the landscape, and designed to a high standard with particular emphasis on proportions, roof pitch, fenestration and selection of materials.
9. **Highland Council's Development Plan Policy Guidelines (April 2003)** provide more detailed guidance on the interpretation of specific policies contained in the 1997 Local Plan, in 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 where 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). In certain areas, some housing in the countryside may be permitted to support the viability of rural communities experiencing difficulties in maintaining population and services.
10. **Highland Council Faebuie Supplementary Policy Note 2002** was produced in response to the Badenoch and Strathspey Area Committee's request following proposals for 9 houses and the likely availability of further land for development. The policy seeks to balance development opportunities with safeguards for existing land uses and amenity, physical limitations and spare capacity in infrastructure. The policy considered that away from Balmenach, a limited number of further houses may be acceptable provided that sites meet required standards in access, water supply and waste water disposal. Potential locations for houses are pointed out by the policy at Fig 8. The site for this house is located in an area identified by the policy as restricted countryside (shaded area at Fig 8) which refers back to Badenoch and Strathspey Local Plan Policy 2.1.2.3 for Restricted Countryside areas as outlined above.





**Fig. 9- Faebuie Supplementary Policy**

**Cairngorms National Park Plan 2007**

11. 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.

12. The plan also seeks to ensure that development complements and enhances the landscape character of the Park. The Plan goes on to consider that new development in settlements and surrounding areas should complement and enhance the character, pattern and local identity of the built and historic environment.

## CONSULTATIONS

13. **Scottish Environmental Protection Agency (SEPA)** object to the proposal on flood risk grounds noting that based upon information contained within the Indicative River and Coastal Flood Map (Scotland) the application site (or parts of it) lie within the 1 in 200 year (0.5% annual probability) flood envelope and therefore it is at medium to high risk of flooding. SEPA comment that this objection can be removed if a Flood Risk Assessment (FRA) or other information is submitted in support of the application demonstrating that the proposal accords with the principles of SPP7 (Scottish Planning Policy 7 Planning and Flooding). The site in question has a risk of flooding and it follows that to allow development to proceed may place property or persons at risk contrary to national planning policy. In the event that the planning authority proposes to grant permission contrary to this advice on flood risk the application must be notified to Scottish Ministers.
14. **Scottish Natural Heritage (SNH)** has been consulted with regard to the adjacent Cromdale Burn which is part of the SAC. Any comments by SNH will be provided at the meeting.
15. **Highland Council Contaminated Land** section has no comment.
16. **Highland Council Area Roads Manager** recommends that the following conditions are attached to any consent granted:
  - Access to site via existing private roadway from the public road
  - Visibility splays to be maintained on each side of the access road at its junction with the public road 3 metres by 120 metres from the centreline of the access road.
  - Within visibility splays nothing above 1 metre in height to be positioned in the visibility splay.
  - Any gates shall be set back 3 metres from the public road and shall open inwards only.

- Parking and manoeuvring space for at least 3 no. vehicles shall be provided within the curtilage of the property such that all vehicles may enter and leave the site independently in forward gear. In addition parking and manoeuvring space for a larger service vehicle shall be provided.
  - No water shall discharge onto the public road.
  - The property shall be free from the adverse effects of a 1 in 200 years flood event and shall remain accessible by emergency vehicles during such an event.
17. **Highland Council Environmental Health** has commented upon the proposal pointing out that the applicant should supply the Planning Authority with evidence to show that the proposed water supply will be adequate for the proposals. A report from a suitably qualified professional may be required including details of the source, the flow rate, an assessment of the sufficiency of the supply for the proposed development and any existing uses, the proposed distribution system and a statement to the effect that the supply will be installed in line with current byelaws. With regard to the construction of the dwelling control measures are recommended with regard to noise and vibrations, dusts, no burning of materials on site and that hours of construction be limited to 0700-2000 Mon –Fri and 0800-1300 on Saturdays with no works being carried out on Sundays or Public Holidays. Outwith these times works only to commence with prior written approval of the planning authority.

## REPRESENTATIONS

18. The proposal has been advertised and no representations have been received.

## APPRAISAL

### Introduction

19. This is a planning application for a single house and is effectively what would have been regarded as a full application under the old planning system. Consequently, the proposal raises a number of principle and detailed issues. The main principle relates to whether the location of the dwelling accords with policy in terms of where planning policy seeks to direct development to. More detailed issues relate to natural heritage concerns with regard to the proximity of the site to the Cromdale Burn, landscape will also be considered. Issues relating to the design of the house, flooding, access and drainage will subsequently be considered.



## Principle

20. As with application 09/298/CP this proposal was called-in because it was considered to raise a number of issues of significance with regard to Park aims. A major part of the reason was because the dwelling is located in an area where the Badenoch and Strathspey Local Plan and detailed supplementary guidance indicates against new housing unless there is a land management justification. There was also concern that the granting of permission for such houses would set a precedent for more proposals of this nature.
21. The Feabuie Supplementary Policy Guidance 2002 was produced in response to a number of applications being submitted to the south west of Balmenach and identified appropriate sites for housing. Many of these sites have been taken up. The policy specifically identified the site being applied for here as being within a restricted countryside area where new housing would be restricted without a land management justification. There is no land management justification with this proposal and if there was it would be hard to justify given that a number of plots have previously consented in the area. This is taken together with the fact that Cromdale just a short distance away has an allocation for housing in the Badenoch and Strathspey Local Plan that has not been taken up. Consequently, the proposal is recommended for refusal based upon it being contrary to housing policy.
22. The site as with its neighbour is located close to the Cromdale Burn which is part of the River Spey Special Area of Conservation. SNH has been consulted and if any comments are provided the report will be updated at the meeting.

## Landscape and Design

23. In terms of landscape the CNPA Landscape Officer has raised concerns about the effects of the proposal on the local landscape character. While in visual impact terms the house may be relatively hidden this low lying site next to the burn it conflicts with the existing settlement pattern where development is based upon more elevated sites. From this response it is clear that the proposal would have a detrimental landscape impact and it is accordingly objection is raised on this basis.
24. With regard to this plot I would also raise concerns about the amount of earth that would need to be moved close to the burn. While significant re-modelling of the site is shown on the cross section there would appear to be a need to remove excess material from the site. It may be the intention to use some of the material on application site 09/298/CP. However, this is not made clear. The design of the dwelling has little connection to the character of existing properties in the area. The design does not contribute, complement or enhance the character, pattern and local identity of the built and historic environment as required by the National Park Plan. Consequently, the proposal is also rejected on the basis of poor design.

### **Technical Issues**

25. The site is located close to the Cromdale Burn. As noted from the consultations section of the report SEPA has objected on flood risk grounds considering that the site has a risk of flooding and that to allow development may place property and/or persons at serious risk. SEPA may be able to remove their objection if a Flood Risk Assessment is submitted. However, given that the proposal in principle is contrary to policy SEPA's concern in relation to flooding result in a further reason for refusal.
26. Drainage is to be via a septic tank to a soakaway. This would be a normal manner in which to deal with the drainage at locations that are not served by the public system.
27. In terms of water supply Highland Council environmental Health has pointed out that the applicant should supply the Planning Authority with evidence to show that the proposed supply will be adequate for the proposal. A range of conditions are also suggested with regard to construction.
28. Highland Council area Roads Manager has recommended a number of highways related planning conditions should consent be granted. It would appear that the conditions requested, including sightlines are achievable. The Area Manager points out that the site should be free from a 1 in 200 years flood event.

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

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

29. The proposal would be detrimental to the existing pattern and character of development and the design of the house fails to reflect the general character and design of houses in the area. Consequently, the proposal is not considered to fulfil this aim.

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

30. There is no evidence regarding the source of materials or whether any particular energy saving measures would be included within the proposal. Approval of a house on an isolated site would emphasise the use of the private car as a means of transport.

### **Promote Understanding and Enjoyment**

31. The proposal has no particular relevance to this aim.

### **Promote Sustainable Economic and Social Development**

32. The proposal would provide additional housing. However, this should be provided in a planned manor in accordance with development plan policies rather than being approved on the basis of individual applications.

### **Conclusion**

33. As with the neighbouring application 09/298/CP proposal is clearly contrary to the development plan policies. It could be argued that this site constitutes a brownfield land. The area has been considered in detail by the Feabuie Supplementary Policy Note 2002 and was not identified at that time, presumably because of the same sensitivities identified by the CNPA Landscape Officer in that a dwelling in this area would be contrary to the character and pattern of development in the area. Therefore, it is recommended that the proposal be refused on flooding, landscape and design grounds.

### **RECOMMENDATION**

34. **It is recommended to Members of the Committee that the application for Planning Permission for erection of house, on land 200m north of the Crossings, Faebuie, Cromdale be REFUSED for the following reasons:**
  1. The proposed development is contrary to Highland Structure Plan Policy H3 (Housing in the Countryside), Development Plan Policy Guidelines 2003, Badenoch and Strathspey Local Plan Policy 2.1.2.3. (Restricted Countryside Areas), and the Faebuie Supplementary Policy Note 2002 all of which restrict new houses at the site unless there are particular circumstances and special needs in relation to land management. It has not been demonstrated that the proposed dwelling is required for the purposes of land management. If approved, the development would set a precedent for further unjustified development of this nature and would encourage the sporadic siting of other residential developments in similar rural locations, all to the detriment of the character of the countryside and the amenity of this part of the National Park.
  2. The site has a risk of flooding and no flood risk assessment has been submitted to allow the development may place persons or property at risk of flooding contrary to the advice of SEPA and contrary to the advice of Scottish Planning Policy 7 Planning and Flooding.



3. The proposal is contrary to the requirements of Policy G2 of the Highland Structure Plan and the requirements of the Cairngorms National Park Plan. Introducing a dwelling into an area where the established development pattern is characterised by residential plots on higher ground would be detrimental to the character of the area. The siting and design of the house fails to complement and enhance the character, pattern and local identity of the locality.
4. The proposal fails to provide evidence of the adequacy of the proposed foul drainage system adjacent to the Cromdale Burn which is a Special Area of Conservation.
5. The proposal fails to provide evidence of an adequate private water supply to serve the development proposed.

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**01 December 2009**  
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