
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: ERECTION OF DWELLING, SITE IN GROUNDS OF LAGGAN COUNTRY HOTEL, LAGGAN

REFERENCE: 06/336/CP

APPLICANT: MR & MRS HUISMAN

DATE CALLED-IN: 25 AUGUST 2006

RECOMMENDATION: REFUSAL

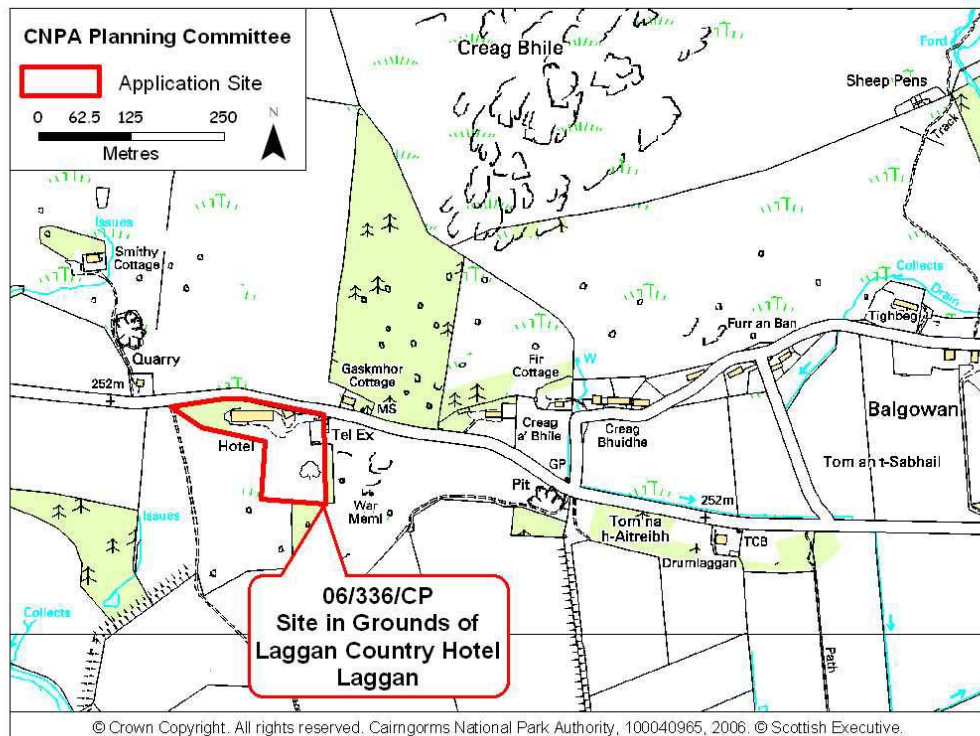


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site is at the Laggan Country Hotel (see fig 1) approximately 1.5 kilometres to the east of Laggan village. The site for the house is located within the grounds, and to the south of the hotel on a small knoll in front of a band of trees. The house would use the same access as for the Hotel (see fig 4) and an access drive would be formed from an area near to the hotel sweeping round the back of a landscaped garden area to the proposed house.
2. The application seeks full planning permission for a 2 storey house incorporating 5 bedrooms on the first floor with lounge/study/kitchen/dining room and snooker room on the ground floor. The footprint of the dwelling is generally square with a small rear projection. Materials originally included a natural slate roof with wet harl finish for the walls and natural stone quoins. Foul drainage is to a new septic tank with surface water run-off to separate soakaways.



Fig 2. looking to site across strath



Fig 3. site from hotel garden

3. The house is sited facing up the Strath towards Laggan, the front elevation exhibited arched doorways in a central gable with bay windows either side. The siting of the dwelling has been set back closer towards the band of trees to help reduce landscape impact (see fig 4). The front elevation has also been amended to include a stone finish for the front and on one side elevation with much simpler designs for the windows. A large front gable on the original scheme has also been removed (see figs 5 & 6). The roof is to be finished in Cumbrian slate.



Fig 4. amended site layout plan



Fig 5. original elevations



Fig 6. amended elevations

DEVELOPMENT PLAN CONTEXT

National Guidance

4. **Scottish Planning Policy 3 Planning for Housing** 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.
5. **Scottish Planning Policy 15 Planning for Rural Development** para 23 considers that there is an unmet demand for plots on which unique, individually designed houses can be built in rural locations. Consideration should be given by planning authorities to formulating supportive policies in their local plans where such developments may be justifiable for economic reasons.
6. **Planning Advice Note 72** is the new 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.”

Highland Structure Plan

7. **Highland Structure Plan (approved March 2001) Policy H3 (Housing in the Countryside)** 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 or where it supports communities experiencing difficulty in maintaining population and services. This policy points out that housing should be appropriate in location, scale, design and materials. **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 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); use of brownfield sites, existing buildings and recycled materials; demonstration of sensitive siting and high quality design; contribution to the economic and social development of the community; and the impact on resources such as habitats, species, landscape, scenery and freshwater systems.

Highland Council Development Plan Policy Guidelines 2003

8. These guidelines consider that **open countryside** is **all** land outside the boundaries of defined settlements. New housing in the Countryside will be exceptional and will only be permitted, in accordance with national policy and approved structure plan policy where it is required for the management of land or related family purposes (retired farmers and their spouses); provided by a social housing provider; involves the conversion/re-use of a traditional building; involves the replacement of an existing dwelling which does not meet the requirements for modern living and where the costs of upgrading are not justified on economic and environmental grounds (subject to the existing dwelling being demolished); or is part of a comprehensively planned new settlement.

Highland Council Housing in the Countryside Development Plan Policy Guideline 2006

9. **Highland Council have produced a new Planning Development Policy Guideline Housing in the Countryside (March 2006) which sets out policy within and outwith (wider rural areas) the hinterland of towns (areas to be identified in Local Plans). The CNPA was not consulted on and has not adopted these guidelines.** The policy is more relaxed in relation to **wider rural areas** where local populations are experiencing difficulty in maintaining population and services and where proposals will be measured against the relevant Local Plan policies and the extent to which they support the viability of the wider rural community; demonstrate appropriate siting and high quality design; taking into account croft land and being in-keeping with settlement pattern. However this guideline, considers that even in 'wider rural areas' that settlements identified in Local Plans are the preferred areas for development. This document sets out the Council's approach to housing in the countryside, taking account of Structure Plan Policy and also more recently issued national guidance on rural development. The following paragraphs set out the more detailed approach in relation to **the hinterland of towns**.

10. **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.

11. **Agriculture.** 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).

12. **Croft Land 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 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.

13. **Conversion or re-use of traditional buildings or the redevelopment of derelict land** The development of rural brownfield sites is supported by national policy, and Planning Advice Note 73 defines these as sites which are occupied by redundant or un-used buildings or land that has been significantly degraded by a former activity. It will be important through this policy to secure the retention of historically valuable buildings which are no longer required for their original use, as well as to offer the opportunity to remove former agricultural or industrial buildings which remain an eyesore in the countryside. The key is to achieve net environmental benefit through the conversion or re-use of traditional rural buildings or the redevelopment of derelict land.

14. **The replacement of an existing dwelling which does not meet the requirements for modern living and where the costs of upgrading are not justified on the economic or environmental grounds (subject to the existing dwellings being demolished)** The replacement of an existing dwelling may be supported where there is a clear case made that the costs of upgrading are not justified on economic or environmental grounds. Any proposal must meet the following criteria **1)** The existing building should exhibit all of the essential characteristics of a dwelling house, including the existence of reasonably sound and complete walls and roof. Exceptionally, where a recently inhabited or habitable dwelling is destroyed by fire or similar accident, planning permission may be granted for a replacement in situ. **2)** The application should be in detail and replacement house must be exemplary in its design emphasising the character and style as well as materials of the original and absorbing the principles of designing for sustainability. **3)** The application should be accompanied by a certificate from an architect or surveyor that the existing house is not reasonably or economically capable of being reinstated/renovated to a habitable condition for occupation. This will be validated on inspection by a Planning or Building Standards Officer. **4)** The resultant footprint should ideally not exceed by 50% the floor area of the original or a maximum of 100 square metres whichever is the greater- thereby ensuring a supply of modest replacement houses reflecting the character and scale of houses in the countryside. **5)** The siting of the

new house must be within the same curtilage as the original house. **6)** The property must have had no subsequent change of use since its last period of occupation as a house. **7)** The property must be in the ownership of the applicant.

Badenoch and Strathspey Local Plan 1997

15. The Landward 'Housing in the Countryside' strategy of the **Badenoch and Strathspey Local Plan (1997)** identifies the proposed site as being within a Restricted Countryside Area. Section 2.1.2.3 of the Local Plan reconfirms the sentiments of the Structure Plan policy stating that a "strong presumption will be maintained against the development of houses" in such areas. Exceptions will only be made where a "house is essential for the management of land, related family and occupational reasons." It further stresses that adherence to the principles of good siting and design will be required.

CONSULTATIONS

16. **Trunk Roads** initially objected to the proposal on highway safety grounds. However, after negotiations their response is now no objection subject to conditions which ensure that the house cannot be sold separately from the hotel, that one of the temporary accommodation units is removed from the site before the new house is occupied and that the access bellmouth is tarmaced.
17. **Highland Council Area Roads Manager** has no comments to make on the proposal.
18. **SEPA** comment that if there is no public sewerage system then, in a planning context, the proposals for foul drainage are acceptable provided the standard minimum distances can be achieved (minimum 10 metres from soakaway to watercourse and 50 metres from any water abstraction). In relation to floods SEPA holds no historic data of this site having flooded and is outwith the indicative limits of fluvial flooding as shown on SEPA's Indicative River and Coastal Flood Map at 1 in 200 year return period flood event.
19. **The CNPA Natural Heritage** response considers that the combination of size and location would make this dwelling extremely visible from the areas to the south and west. It will be highly visible from the main road that cuts across the strath and runs eastwards from Laggan. The position and number of rooms will mean that at night the building, when lit, will be very obvious from the direction of Laggan and the main road that connects the two. From the south the lights of the building may merge with those of the hotel and so would not be significant.

20. While the proposal as it stands would be a significant detractor in the landscape there is the possibility of positioning it in the dell that lies to the immediate north of the proposed location. If it were placed here and reduced in size, particularly in height, the impact on the landscape would not be too severe and in combination with some appropriate planting the effect would be quite acceptable in landscape terms.

REPRESENTATIONS

21. One e-mail objection has been received and is attached at the back of the report. The main concern relates to the size and position of the house. **A detailed representation with a range of photographs has been received from the applicant just as this report went to printing and is attached at the back of the report.**

APPRAISAL

22. The starting point for the appraisal is the development plan and whether the principle of a house could be considered acceptable in this location. After this, issues regarding siting design and then more technical issues including highways are considered.

Principle

23. The Badenoch and Strathspey Local Plan shows the site as a restricted countryside area where housing would not normally be allowed unless there was a land management justification. There are 'other' more permissive areas for housing nearby to the north of the hotel on the opposite side of the A86 (the applicant does not own land in this area) but the proposed site is clearly within a restricted countryside area.
24. Because of the above, there is a clear presumption against new housing under the current Local Plan. However, there are a number of other considerations that may indicate in favour of the proposal in principle.
25. The key factor here is that what is being proposed is essentially a house for the applicant's to manage the hotel from. They currently live in a chalet together with their children adjacent to the entrance to the hotel site. The chalet is one of 3 temporary accommodation units at the site. One of the units (a static caravan would have been removed as part of the requirements of Trunk Roads). While I am of the view that an open market house proposal would not be acceptable at this site there is an economic justification for a house in this instance. This is particularly the case given that the applicant's understandably do not want to live in the hotel with a large family. Crucially, in recent times, the business has relied heavily upon attracting coach tours which often utilise all of the bedrooms available at the hotel when visiting. This results in there being no room within the hotel for staff or management

accommodation. Also, more recent guidance from the Scottish Executive in the form of SPP15 on Rural Development emphasises the sometimes need for new housing in the countryside based upon an economic justification which this proposal essentially is.

26. In terms of Highland Council Guidelines on housing in the countryside this site should be considered as being part of the wider rural area where there is a more relaxed approach to housing. However, as with previous reports I would recommend that only limited weight is attached to this guidance, and in any case the guidance notes that applications must still be assessed against the relevant Local Plan policy.
27. While the policy context for housing at this site is generally restrictive the material considerations discussed above, in my view may warrant an exceptional approval for a house for the applicant's based upon economic grounds. In all practical terms it is recognised that new on-site accommodation for hotel owners is required from time to time and other proposals of this type have been granted before elsewhere. However, as an exceptional approval, any house should be strictly accommodation for the management of the hotel only. This could be ensured by means of a Section 75 planning agreement or planning condition.

Siting and Design

28. The site for the house is to the south of the hotel on an area of ground that rises from the flood plain and is backed by a small area of woodland. As noted by our landscape officer this is a prominent site that is highly visible from the south and west (see fig 2). The site also has a certain element of separation from the hotel and is effectively on a boulder knoll, there are a number of trees scattered around the perimeter of the site but none of them offer effective screening for the house proposed.
29. One more favoured option from a landscape point of view would be in a small dell, immediately to the north of the proposed site. However, it has been pointed out that this area is effectively the soakaway for the hotel septic tank that lies just above the soakaway. This effectively rules out this part of the site unless both the tank and soakaway could be moved. However, there would appear to be no reasonable area to move them to that is within the ownership of the applicant's.
30. Another option would be to site the house on the existing site of the chalets and caravans. However, this in turn raises the question as to where staff would be accommodated. In addition, the applicants would prefer a greater degree of separation between any new home and the hotel. While the dwelling is still in the same general area as originally submitted the revised drawings have set it 9.5 metres further back to take greater advantage of a band of trees that will provide some screening for the dwelling when viewed from the south. It is also the

applicant's intention to set the dwelling down into the hillslope as much as possible to help further reduce landscape impact.

31. Given the above the site proposed would appear to be the only option that is open to the applicant's in this case. The size of the dwelling is considerable at approx 17 metres wide and 16.5 metres deep with the rear projection included. However, it is clear that the size of the dwelling is designed to accommodate the applicant's large family. Because of the concerns raised some design amendments have been made to the scheme which remove the gable, arched doorways and bay windows from the front elevation. These are replaced by openings of more traditional proportion and design with heavy lintels. The front elevation together with the side elevation facing the hotel is finished in stone.
32. While the changes proposed are a significant improvement to the front elevation in particular I still have concerns about the prominence of this site. Because of the circumstances of the applicant's their business and the physical constraints placed upon placing a dwelling elsewhere on land within the grounds of the hotel I may be willing to recommend approval, in principle of a house on this site. However, in my view this is a significant concession and because of the landscape concerns previously pointed out by our landscape officer and in this report it is my view that the design of any house would have to be absolutely right for this site. While the materials including natural stone and Cumbrian slate for the roof may be appropriate the scale and form of what is proposed offers too great a landscape impact for this site and the sheer scale of the roof and the overall height of the building at 10.5 metres to the ridge is of particular concern. Policies H3, G2 and L4 of the Highland Structure Plan all express concern that development should be appropriately sited and designed and take account of the landscape character. In my view, the amended scheme, while being an improvement still fails to accord with these policies.
33. There are other buildings on prominent sites in the area but most of these are of a much smaller scale than what is proposed here. It may be possible to accommodate a large dwelling on this site by significantly lowering the roof and adopting some form of courtyard or 'L' shape. However, I would have serious concerns regarding the prominence of this site for a house designed at the scale and height proposed.

Technical Issues

34. Drainage has been found to be acceptable and water will come from the same private supply utilised by the hotel. Trunk Roads originally objected to the proposal but provided that the house is tied to the hotel, that one of the caravans is removed and that the bellmouth is tarmaced no objection is raised.

Conclusion

35. The site lies within a restricted countryside area where there is a presumption against residential development. However, in my view it is clear that the applicant have a business need for a house to run the hotel from at this site and I accept, in principle, this justification. Likewise, there are various constraints that make it difficult to accommodate a house elsewhere within the grounds of the hotel and I would be prepared to make the concession of recommending in principle of a house proposed on this prominent site. However, what is proposed is of too great a scale, particularly in terms of height to be comfortably accommodated at the site, hence my recommendation of refusal on siting and design grounds.
36. Should the Planning Committee wish to grant permission I would suggest that the house is tied to the hotel and that the conditions suggested by Trunk Roads are attached as well as landscaping and samples of external materials conditions.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

37. The landscape impact of a house of this scale on the site proposed would fail to conserve and enhance the natural and cultural heritage of this part of the National Park.

Promote Sustainable Use of Natural Resources

38. There is little information with the application regarding where materials to be used in construction would be sourced.

Promote Understanding and Enjoyment of the Area

39. The proposal has only limited relevance to this aim. The continuing use of the hotel would help to foster the enjoyment of the area. However an inappropriately sited and designed house could detract from peoples enjoyment of the local landscape.

Promote Sustainable Economic and Social Development of the Area

40. The proposal would help the applicants to effectively manage the hotel from the site helping to promote the sustainable economic and social development of the area.

RECOMMENDATION

41. That Members of the Committee support a recommendation to: **REFUSE** Full Planning Permission for the erection of dwelling at a site in the grounds of the Laggan Country House Hotel, Laggan for the following reason:

1. The siting of a dwelling of this scale, height and form would have a significant and detrimental landscape impact on a prominent site within open countryside that is characterised by sporadic small scale development set against an open strath. The proposal is therefore contrary to policies H3 (Housing in the Countryside), G2 (Design for Sustainability) and L4 (Landscape) of the Highland Structure Plan and to the first aim of the Cairngorms National Park which seeks to conserve and enhance the natural and cultural heritage of the area.

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4 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.