

# Agenda Item 8

## Appendix 1

2025/0075/DET

Decision Notice – 07/414/CP

# CAIRNGORMS

NATIONAL PARK AUTHORITY

## DECISION NOTICE

Application Reference: **07/414/CP**

Type of Application: Local Application

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997, AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.**

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008.**

**The Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003**

**National Parks (Scotland) Act 2000**

### **APPLICANT:**

**Alexander D Grant  
The Caravan  
Lot 5 Drumuillie  
Boat of Garten  
PH24 3BX**

CNPA in exercise of its powers under the above mentioned Act and Regulations

grants conditioned planning permission for:

### **Erection of Dwelling (Outline)**

at;

**Land 100m Northwest of Birch Cottage, Drumuillie, Boat of Garten**

and in accordance with the particulars contained in the accompanying application form and the following plans/drawings:

- **Site Location Plan, Plan 1 of 1, Scale 1:2500, Dated 19/09/2007**

Subject to compliance with the following condition(s):

- I. A formal planning application for approval of matters specified in conditions and detailed plans indicating all matters relating to the siting, design and external appearance of all buildings, means of access thereto, means of enclosure and landscaping proposals 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 matters specified in conditions.**

**Reason:** To comply with Section 59 of the Town and Country Planning (Scotland) Act, 1997.

2. **The visibility splays shall be provided and maintained on each side of the new access to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority, in conjunction with Transport Scotland as the Trunk Roads Authority. These splays are the triangles of ground bounded on 2 sides by the first 2.4 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 195 metres (the y dimension) in a northerly direction and 215 metres in a southerly direction from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.**

**Reason:** In the interests of highway safety.

3. **Parking and manoeuvring space for at least 2 no. cars shall be provided within the curtilage of the property such that vehicles may enter and leave the site independently in forward gear.**

**Reason:** In the interests of highway safety.

4. **The proposed dwelling house shall be designed in accordance with the traditional vernacular architecture of the area and shall be a maximum of 1½ storeys and shall be of traditional design, and incorporating the use of external materials that visually compliment existing properties in the vicinity as well as taking account of the rural setting.**

**Reason:** To ensure that the house is of an appropriate character and appearance for the area.

5. **An application for approval of matters specified in conditions shall include a plan showing details of :-  
(a) the proposed sewage disposal/drainage facilities;  
(b) any provision for waste/surface water disposal; and  
(c) all ground and finished floor levels of the proposed dwellinghouse together with the existing site levels;**

**Reason:** To ensure the site can be adequately drained in the interests of public health and to prevent pollution.

6. **An application for approval of matters specified in conditions shall include a Sustainability Statement which shall demonstrate the range of measures which are to be implemented to improve the sustainability of the development. All agreed measures shall be implemented in full thereafter.**

**Reason :** To achieve improved energy efficiency and sustainability.

7. **No water shall discharge onto the public road.**

**Reason :** To ensure that the existing public road drainage is not adversely affected.

8. **An application for approval of matters specified in conditions shall include a detailed landscaping plan. The plan shall include details of the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted, and shall ensure the completion of the scheme during the planting season next following the completion of the development.**

**Reason:** To ensure the implementation of a satisfactory and appropriate scheme of landscaping which will in due course enhance the environmental quality of the development and assist in minimising the visual impact of the dwelling house.

**Variations: None**

**Section 75 Obligation:**

An obligation in terms of Section 75 of the 1997 Planning Act relates to this development. The terms of the Section 75 are as follows:

**The occupancy of the new dwelling house is restricted to the applicants or any person employed (or last employed) in agricultural activity on the 4.24 ha. landholding on which it is proposed and the restriction of the sale of the proposed dwelling house separate from the landholding.**

The full Section 75 Obligation can be inspected at the local planning office.

**Reason(s) for approval**

1. The proposal is considered to accord with the aims of the Cairngorms National Park.
2. The proposal complies with the relevant provisions of the development plan and there are no material considerations that indicate otherwise.

**Dated: 14<sup>th</sup> October 2010**

**Don McKee - Head of Development Management**

For details of how to appeal to Scottish Ministers regarding any aspect of this Decision Notice please see the attached notes.

**THIS IS A LEGAL DOCUMENT -  
PLEASE RETAIN WITH YOUR TITLE DEEDS**

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AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.  
TOWN AND COUNTRY PLANNING (DEVELOPMENT  
MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008.**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission in respect of the proposed development, or to grant permission or approval subject to conditions, he may appeal to Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months of the date of this notice. The appeal should be addressed to the Chief Reporter, Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk FK1 1XR.
2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

## **NOTES**

It should be understood that this permission does not carry with it any necessary consent from the Buildings Authority or Scottish Environment Protection Agency, or approval to the proposed development under other statutory enactments.

It should be understood that this permission does not imply

- that there are no physical restrictions upon development, such as overhead or underground services, diversion or protection of which will be the developer's responsibility, with the prior consent of the appropriate supply authority;
- that the mains water, drainage or other public services are, or will be available:  
or
- that financial assistance from public funds is available towards the cost of provision of services or any aspect of the development.

Enquiries should be directed to the appropriate supply authorities.