
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: NEIL STEWART (PLANNING OFFICER,
DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: ERECTION OF NEW DWELLINGHOUSE AND GARAGE, ADJACENT TO BALMENACH DISTILLERY, CROMDALE (OUTLINE PLANNING PERMISSION)

REFERENCE: 04/293/CP

APPLICANT: DR BILL ALLEN, ALLEN ASSOCIATES (HPE) LTD., ALPHA CENTRE, STIRLING UNIVERSITY INNOVATION PARK, STIRLING, FK9 4NF

DATE CALLED-IN: 18 JUNE 2004



Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Outline planning permission is sought for the erection of a 2 storey detached dwellinghouse with garage, on an area of agricultural land close to the Balmenach Distillery complex, to the south of Cromdale (approximately 1km. south). The site of the new house is not contiguous with the distillery complex of buildings, but is detached from a large warehouse building at the north end of the complex by about 20 metres. The site is also set back from the road edge by 20 metres with a connecting access to the public road. The site is flat and open.
2. The applicant's business has consultancy interests in the whisky industry (currently about 50% of business) and personnel spend some time in NE Scotland. The Company wish to establish a base in the area, initially establishing a small office which it is hoped would lead to other business, and eventually to the location of staff on site. The applicants have stated that the operators of the Balmenach Distillery, who are an important client, "have indicated support" for the proposal.

DEVELOPMENT PLAN CONTEXT

3. **Highland Structure Plan (approved March 2001) Policy H3** states that housing will generally be within existing and planned new settlements. New housing in the hinterland of towns, as defined in the Plan, will not be permitted unless it can be demonstrated that it is required for the management of land and related family purposes. Elsewhere, housing in the countryside of an appropriate location, scale, design and materials may be acceptable where it supports communities experiencing difficulty in maintaining population and services. **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) and impacts on resources such as habitats, species, landscape, cultural heritage and scenery.
4. 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, in the light of the subsequently approved Structure Plan of 2001. This document states that new housing, within the hinterland of towns but in the open countryside outwith defined settlements, 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). Outwith the hinterland of towns, where some housing development may be permitted to support the viability of rural

communities, individual applications would be subject to other Structure Plan policies, in particular those aspects relating to infrastructure, siting and quality of design and materials.

5. **The Badenoch and Strathspey Local Plan (September 1997) Policy 2.1.2.1 for General Countryside Areas** accepts new housing subject to a number of siting, design, infrastructure and landscaping criteria. The site is close to the distillery community of business and residential buildings where Highland Council has adopted **Supplementary Policy Guidance** for limited additional development in the Faebuie / Balmenach area due to “a succession of planning applications by the landowner”. The Supplementary Policy Note “seeks to balance development opportunities with safeguards for existing land uses and amenity, physical limitations, and spare capacity in infrastructure”. This application site is not included in the new agreed settlement envelope for Balmenach, and lies within an area of open moor/heathland, which the Supplementary Policy Note indicates is not suitable for further building and should be safeguarded for its open character, views and habitat. 1 km to the north in Cromdale, the Local Plan has identified a number of sites for new housing development.

CONSULTATIONS

6. **Cromdale and Advie Community Council** have written comments on the proposal, and express a number of concerns:-
 - (A) New developments should be accommodated within communities in the locality, and not consist of “odd developments appearing all over the countryside surrounding the villages in places where there have not been houses in the past”. The Community Council are not adverse in general to development within the confines of the existing communities of Cromdale, Advie and Balmenach.
 - (B) The Community Council is very worried about development on this ground, “which forms part of the bog ground beside Balmenach,” which “was a breeding habitat for rare birds until the purchase of the wetland area from the Estate as ‘agricultural’ land”.
 - (C) This is considered to be yet another application – “the 3rd application within a month for the agricultural land surrounding Balmenach”, and other sites may also have been offered for development. There are concerns about the proliferation of proposals around this small community and CACC would prefer to see all new build applications at least deferred until publication of the new Local Plan.
7. **SEPA** have commented that percolation tests for this development have not been carried out (drainage proposed to be by septic tank and soakaways), and advise that issues relating to foul drainage be resolved prior to the determination of the application.

8. **The Area Roads and Community Works Manager** has advised on the site access and on-site parking requirements, the need for adequate access visibility, and the construction of a rural access/service bay at the junction of the access road and the public road. Subject to conditions he has no objections.
9. **Highland Council Planning Officers**, under delegated powers, have stated that in the general area of Balmenach, there is Local Plan policy support for well spaced out single houses. However, in response to a succession of planning applications by the landowner, the Supplementary Policy Guidance Note was formulated in consultation with the local community. This identified a settlement envelope for Balmenach, as well as a preferred area for scattered housing development in line with the *General Housing in the Countryside Policy*. They emphasise that during the consultation process, the community opinion very forcefully expressed that there should be no new development outwith the agreed settlement envelope of Balmenach prior to the preparation of a new Local Plan. Highland Council Planners conclude that the site lies outwith the agreed settlement envelope and within an area of open moor/heathland which the Supplementary Policy Note indicates as not suitable for development. They also state that, while the introduction of a specialised work base for the applicant may help employment opportunities in the area, they do not believe that it constitutes occupational need for a house on this particular site, especially when there is allocated land within nearby settlements.
10. **The CNPA Natural Resources Group**, have stated that the development will result in the loss of agricultural land. While the site is noted as having some importance for wildlife, there are, however, no designated areas adjacent or close by. There is little impact on the landscape. In conclusion, they do not consider that the proposal will have a significant impact on the natural resources of the area.

REPRESENTATIONS

11. The application was advertised as not in accordance with the Development Plan, but no representations have been received.

APPRAISAL

12. The application as proposed, is for a new house within a field - almost surrounded by open agricultural land. What is presently a workable agricultural field, would become an area of agricultural land with awkward strips and corners for ploughing, spraying, cutting and/or harvesting around the proposed house site. Also a potential gap site remains between the site and the adjacent distillery building. Neither of these factors is 'good planning' in terms of locating a new development in the countryside, or on the edge of a small settlement.

13. Over recent years, planning permission has been granted for some “infill” residential development at Balmenach. In outlying locations, several single houses have also been granted permission. In addition, some other proposals for single houses outwith the settlement enclave of Balmenach have been refused planning permission on the grounds of conflict with policy, loss of trees and visual prominence in the open landscape. At least one case has been “tested” at an appeal with the decision of refusal being upheld.
14. The Highland Council has examined the local need and the clear pressure for housing at Balmenach, and in 2002, sought to identify the best sites in planning terms with the local community, through its Supplementary Guidance. The site, being close to the edge of the settlement of Balmenach and on land which is earmarked as exposed, boggy moor/heathland, lacking in ground cover, is poor in locational standards. The Supplementary Guidance does not favour development in this area and states that it is deemed unsuitable for building purposes. To depart from the outcome of this 2002 consultative process by approving an ‘ad hoc’ application such as this, would invite even more speculative proposals in this sensitive area. The Review of the Local Plan will provide the best opportunity to identify the best locations for any future new housing.
15. The applicant’s case for a house in the area, although related to the business of consultancy for the whisky industry, is in no way specific to this community or this land, and the need could be satisfied by the purchase of a house or a site in an existing community. The house is suggested to be needed as a base for a business covering a very wide area, but may also ‘house’ an office and require other staffing. The Highland Structure Plan may permit housing in the countryside outside areas defined as “town hinterland” but only where there is compliance with other policies relating to infrastructure, siting and design. In this instance, as stated above, the siting is deemed unacceptable and to approve the development would set an undesirable precedent for other unplanned single houses on the edge of this settlement envelope.
16. In addition, the applicants have not demonstrated that their proposed drainage system will work on this site. No percolation tests have been carried out and the according to the Supplementary Guidance the land in the general vicinity is of poor drainage quality. To approve the development without certification that foul drainage will not cause a problem is inappropriate and undesirable.
17. In the light of all these factors, the recommendation is therefore one of refusal.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

18. The small community of buildings in this area are largely made up of significant distillery buildings. The proposal seeks to add a detached residential building unrelated to the historic nature of this community in a

sporadic manner, which would detract from the character of the area. Although not designated, the site is viewed as important to the landscape setting of Balmenach.

Promote Sustainable Use of Natural Resources

19. The development proposals do not, at this stage, make any positive contribution to this aim. The 'business' need for this house relates to a wide area, and this community is at some distance from the principal public transport routes, necessitating all movement by private car.

Promote Understanding and Enjoyment of the Area

20. There are no positive or negative implications in terms of this aim.

Promote Sustainable Economic and Social Development of the Area

21. The proposed house has no functional relationship with the land in this locality, but is 'required' for a business need covering the NE of Scotland. This site may not be the most suitable in terms of the location of business sites to be covered, and appears to be an opportunity site associated with one of the current business clients. Developing a stronger company base in the area supports the aim, but this may not be the most appropriate location as a sustainable base for the longer term future.

RECOMMENDATION

That Members of the Committee support a recommendation to:

Refuse Outline Planning Permission for a New Dwellinghouse and Garage adjacent to Balmenach Distillery, Cromdale, for the following reasons:

- i. That the proposal is contrary to the Highland Structure Plan (2001), Policy H3 (Housing in the Countryside) and the Badenoch and Strathspey Local Plan, (1997), Policy 2.1.2.1 (General Countryside Areas) and the Supplementary Policy for the Faebuie/Cromdale area (2002), where there is a strong presumption against further building in this area because of its open character, views and habitat. The proposed development, if approved, would encourage other visible sporadic and unjustified developments on open land on the edge of this small rural settlement, all to the detriment of the character of the countryside and the amenity of this part of the National Park.
- ii. That the proposed development, within an open agricultural field, and detached from other houses and buildings within the local settlement, is considered to be detrimental to the quality and character of the local landscape. As such it is contrary to Policy L4 (Landscape Character) and Policy G2 (Design for Sustainability) of the Highland Structure Plan (2001).

- iii. That the applicants have failed to demonstrate that a private system for foul drainage for this development can be provided, without there being a risk of pollution to existing groundwater systems or the surrounding land.

Neil Stewart
9 August 2004
planning@cairngorms.co.uk