
CAIRNGORMSNATIONALPARKAUTHORITY

Title: REPORTONCALLED -INPLANNING
APPLICATION

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DEVELOPMENTCONTROL)

DEVELOPMENTPROPOSED: ERECTION OF NEW DWELLINGHOUSE,
AT ROSARNACH, DRUMGUISH, NR.
KINGUSSIE

REFERENCE: 05/175/CP

APPLICANT: MRS MANSFIELD, PER C. DOWNIE,
COMRIACH,DALNAVERT,
BYKINGUSSIE

DATECALLED -IN: 25THAPRIL,2005

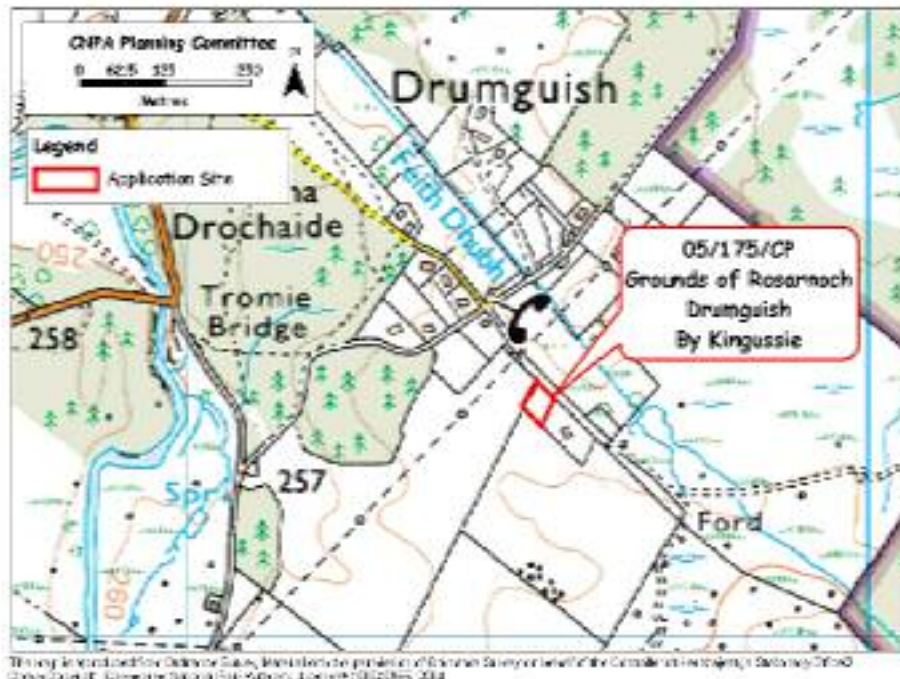


Fig.1 -LocationPlan

SITE DESCRIPTION AND PROPOSAL

1. The application is for the erection of a new house in open countryside just beyond the existing grouping of houses at Drumguish, near Kingussie. Outline planning permission is being sought for a dwelling house in the garden ground of the present house site. The existing property is known as 'Rosarnach'. The applicant currently resides in the existing dwelling house on the site, with the property having been built by the applicant and her late husband in 1988. Highland Council planning records indicate that planning permission was originally granted for three houses on land now occupied by the property and grounds of 'Rosarnach'. The applicant and her husband purchased the plots in 1988 and sought planning permission for one house that was subsequently built in a centralised position, with its feu covering the area of two of the originally approved sites and also extending into a portion of the third site.
2. There are two dwelling houses, accessed by a narrow access lane, located to the south west of the proposed site. A high voltage power line crosses the field to the north west of the application site, in a southwest to north-easterly direction, and separates Rosarnach and the other property from the existing grouping of houses of Drumguish. The site is on rising ground and the application site as well as the existing houses adjacent, are all prominent in the landscape.



Fig.2: Rosarnach and proposed site



Fig.3: Existing dwellings

3. As the application is for outline permission there are no details of the proposed house type. However, it is indicated on the application form that the proposed dwelling would have a wet dash exterior finish, with slate roof covering. A new septic tank draining to a soakaway pit or perforated pipe system is proposed to serve the property. Access to the proposed site is to be taken from the original access serving Rosarnach, and works have already commenced on creating a new access point to separately serve the existing dwelling house.
4. The applicant has submitted a letter outlining the background to her application. Mrs. Mansfield is currently living alone in Rosarnach and she considers that the property is too large for her. At the time of writing (letter dated 14th March 2005) she stated that she was about to

put the property "on the market." Her letter goes on to state that she feels "very much part of the community" and wishes to build a small house in order to continue living there.

5. In the course of a site visit in July 2005 it was noted that the property is now in fact on the market with a 'for sale' sign displayed outside. In addition, it was also noted that works were nearing completion on the development of a new access to serve Rosarnach and its smaller associated garden area, with the original access and a portion of the driveway now only leading to the field that is the subject of this current application. Access through to the rest of the Rosarnach land is blocked by the erection of a wire fence along the proposed south eastern (side) boundary.



Fig.4: New entrance and 'for sale' sign, and wire fence boundary.

DEVELOPMENT PLAN CONTEXT

6. Policy H3 of the **Highland Structure Plan** (approved March 2001) 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 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).

7. 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 in 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). In relation to land management criteria the **Development Plan Policy Guidelines** stress that "new housing will only be regarded as essential where it is related to material planning considerations" and that the "personal preferences or financial circumstances of any individuals involved are not material planning matters." It further details the fact that any proposal for new housing in the countryside associated with land management activities "must demonstrate that a sequential approach to identification of the need for that house has been followed", and this should involve consideration of alternatives such as the potential to use existing accommodation in the area or the renovation or replacement of an existing dwelling house.
8. The proposed site is on land that is identified in the **Badenoch and Strathspey Local Plan (1997)** as a Restricted Countryside Area. Accordingly, section 2.1.2.3 of the Plan reconfirms the sentiments of the Structure Plan policy stating that "a strong presumption will be maintained 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." It further stresses that adherence to the principles of good siting and design will be required.

CONSULTATIONS

9. **SEPA** have commented that the applicants should demonstrate that the foul drainage system is capable of meeting the Building Regulation requirements in terms of the ground being adequate here for a septic tank soakaway system. The percolation test submitted by the agent shows adequate soil conditions for this.
10. **Highland Council Planning Officers** under delegated powers have highlighted the fact that the proposed site lies within an area that is designated as Restricted Countryside within the Local Plan and accordingly state that the application cannot be supported unless the applicant is able to demonstrate that the house is essential for the management of land, related family and occupational reasons. In addition, the response also goes on to raise concerns regarding the proposed siting, stating that "*an additional dwelling at this corner location would, given the other three dwellings in the immediate vicinity, result in this part of Drumguish appearing visibly overdeveloped, which*

would be uncharacteristic of the settlement as a whole which generally has a more scattered pattern with houses well hidden by the topography and vegetation." Consequently Highland Council Planning Officers also state that they cannot support the application given its proposed siting.

11. The **Area Roads and Community Works Manager** of Highland Council reiterates previously expressed concerns about further developments at Drumguish given the generally poor standard of the existing public road, including its junction with the B970 road. It is stated that the area is presently low priority in terms of maintenance, particularly winter maintenance, and any further development is likely to increase demands for an improved service in the area. Nonetheless, the report from the Area Roads and Community Works section details a number of conditions that should be attached in the event of Members deciding to grant permission for the proposed development. One such condition requires the upgrading of the existing access serving Rosarnach to provide a shared access to serve both the existing and proposed new property. Members will note that the access arrangement currently being put in place, as detailed in paragraphs 3 and 6 of this report is contrary to the requirement. Other measures required by the Area Roads and Community Works section include the provision of a standard turning head arrangement at the point of access to the adjacent road junction (this would also necessitate upgrading of the existing public road to a specified standard); the provision of and future maintenance of visibility splays at each side of the access; and at least 2 parking spaces and manoeuvring space to be provided within the site such that all vehicles can enter and leave the site in forward gear.



Fig.5: Existing access road to the SW Fig.6: Existing access road to the north

12. Kincaig and Vicinity Community Council indicate that they have no objections to express regarding the proposed development.

REPRESENTATIONS

13. Three letters of representation have been received – one in support of the proposal, and two raising concerns. Copies of the correspondence received is attached to this report.
14. W.D. MacKenzie of 'Croila', Drumguish submitted a letter in support of the proposal. The submission includes some background history of Drumguish, describing the settlement in 1931 mostly consisting of working crofts. There are currently 21 dwellings in Upper and Lower Drumguish, only one of which is part of a working croft. In total, seven of the houses are holiday homes and another is awaiting renovation. Access to the settlement is largely by a single track road with no formal passing places. The author of the letter is an ex-police roads safety officer and comments that in his view additional traffic generated by one more house could be easily catered for. The letter of representation is supportive of the applicant's intentions to sell the existing house and retain a small area of the current garden area for the provision of a smaller house as her residence.
15. Correspondence received from Deirdre and Alex Falconer of 'Greenwood', Drumguish outlines their reservations about the proposed application. In terms of planning issues, the authors of the letter state that in their opinion the building of a new dwelling does not "fulfil the exceptional circumstances for building in a rural area." In support of this view the authors refer to a number of factors that they state have been freely given by the applicant, Mrs. Mansfield. It is their contention that the applicant proposes to sell her existing home in Drumguish and plan to spend more time with her family in the South of England where a property is being converted to accommodate her. Concerns are expressed that the proposed new house may become a second home for the applicant, and may not eventually be occupied by the applicant at all and could become a letting property in order to generate a source of income. It is also stated that the proposed new dwelling would constitute overdevelopment of the Rosarnach site, whereas the existing dwelling house and associated space is "*in keeping with the traditional dispersed layout of a crafting township such as Drumguish*" and "*by building in her own back garden, she will in fact be destroying this dispersed pattern.*" The submission also refers to the fact that the proposed new site is very small and comments that a new house "*would look shoe-horned into the site, which is not in keeping with most of the other houses in Drumguish.*"
16. A earlier letter of representation was also received from the aforementioned authors, expressing concern that site works, including the demolition of part of a dyke and the tarri ng of part of the access track to the site, were being carried out ahead of the application for planning consent.

APPRAISAL

17. The main issues to consider in this application are the principle of a new house on this site, and the impacts of a new house on the locality.
18. In terms of the principle, the proposal is clearly in contravention of the Local Plan policy regarding housing development in Restricted Countryside Areas. The case advanced by the applicant for a new dwelling house at this location does not constitute exceptional circumstances. The proposed dwelling house is not required for the management of land or related family and occupational reasons. The circumstances of the applicant and her wish to build a new dwelling house are not considered to be significant in planning terms, and an acceptance of this case would set a precedent for similar justifications to be used in dwelling house proposals across much of the Plan area. In addition, it is questionable as to whether or not the applicant's need for a new dwelling at this location is of a permanent nature or is a temporary one before moving close to family members in the South of England, with the possibility that the proposed dwelling house could become a second home, letting property or may in a few years be sold on.
19. The **Badenoch and Strathspey Local Plan (1997)** identifies a number of settlements where some limited new development is encouraged, due to the availability of local services and the fact that such areas may need support for future viability. Drumguish is not identified as such a settlement and therefore can only be considered to constitute a dispersed group of dwelling houses in a Restricted Countryside Area. The **Highland Structure Plan (2001)** is very clear that new housing should be catered for and concentrated within settlements where facilities such as shopping, health, education and social services are more accessible and can be effectively provided.
20. In terms of impact, Highland Council has expressed concern that new housing at the proposed location would not be in character with the original nature of the small community of crofts that were more closely integrated into the land forms and landscape. Plan policies require any new developments to be sensitively located and designed. Whilst it is not possible to comment on design issues at this outline stage, it is considered that the proposed siting of the dwelling is inappropriate, as it would constitute a prominent feature in the landscape and would lead to the appearance of overdevelopment in this rural area. The proposed new house site would be created through the subdivision of the existing house feu, and this convenient subdivision appears to have been the main factor guiding the proposed siting. The proposed dwelling house would be prominently sited and on rising ground where there is little in the way of landscaping or landscaping features available to help screen or provide a setting for the new development.

21. In terms of principle and siting, this proposal fails to comply with existing planning policies and it is not considered to be of any particular benefit to the achievement of the aims of the Cairngorms National Park.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

22. The dwelling house is proposed within the garden ground of an existing dwelling house where there is little established vegetation to assist in blending or screening the new building in the open countryside. The proposed development cannot be considered to enhance the local landscape or rural heritage in this area.

Promote Sustainable Use of Natural Resources

23. As the application is for outline permission, there is insufficient detail to establish whether or not the proposal would promote the sustainable use of natural resources.

Promote Understanding and Enjoyment of the Area

24. It is considered that the development would have the potential to adversely affect the enjoyment of the views and the special rural characteristics of the area by the general public.

Promote Sustainable Economic and Social Development of the Area

25. The addition of another house in a small rural community that has no social, health, educational or commercial facilities cannot be sustainable. The development plans seek to encourage such development into recognised settlements rather than creating sporadic housing in the countryside.

RECOMMENDATION

That Members of the Committee support a recommendation to:

Refuse Outline Planning Permission for the erection of a new dwelling house adjacent to Rosarnach, Drumguish, by Kingussie, for the following reasons -

1. That the development 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 applicant has failed to demonstrate that the proposed new dwelling house is required for or related to any land management in this area. If approved, the proposal would encourage other 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.
2. 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 proposed development fails to meet any of the exceptional circumstances, and if approved would set a precedent for further development of this nature along minor rural tracks, all to the detriment of the character of the countryside and the amenity of this part of the National Park area.
3. That the siting of the proposed house is prominent in the local landscape and contrary to Development Plan policies. The proposal would give rise to the appearance of overdevelopment in this rural area, and would be contrary to the established pattern of dispersed settlement. The proposed development would fail to visually integrate into the small community of Drumguish and would form a prominent and obtrusive feature in an area that does not have the benefit of natural vegetation.

**Mary Grier
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Development Control.**

11th July 2005

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